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FORTY-THIRD PARLIAMENT
FIRST SESSION—FOURTH PERIOD

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

House of Representatives Office holders
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, Ms Kirsten Fiona Livermore MP, Mr John Paul Murphy MP, Mr Peter Sid Sidebottom MP, Mr Kelvin John Thomson MP, Ms Maria Vamvakinou 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 Ed Husic 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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**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
Deputy Prime Minister, Treasurer
Minister for Regional Australia, Regional Development and Local Government
Minister for Tertiary Education, Skills, Jobs and Workplace Relations and Leader of the Government in the Senate
Minister for School Education, Early Childhood and Youth
Minister for Broadband, Communications and the Digital Economy and Deputy Leader of the Government in the Senate
Minister for Foreign Affairs
Minister for Trade
Minister for Defence and Deputy Leader of the House
Minister for Immigration and Citizenship
Minister for Infrastructure and Transport and Leader of the House
Minister for Health and Ageing
Minister for Families, Housing, Community Services and Indigenous Affairs
Minister for Sustainability, Environment, Water, Population and Communities
Minister for Finance and Deregulation
Minister for Innovation, Industry, Science and Research
Attorney-General and Vice President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Manager of Government Business in the Senate
Minister for Resources and Energy and Minister for Tourism
Minister for Climate Change and Energy Efficiency

Hon. Julia Gillard MP
Hon. Wayne Swan MP
Hon. Simon Crean MP
Senator Hon. Chris Evans
Hon. Peter Garrett AM, MP
Senator Hon. Stephen Conroy
Hon. Kevin Rudd MP
Hon. Dr Craig Emerson MP
Hon. Stephen Smith MP
Hon. Chris Bowen MP
Hon. Anthony Albanese MP
Hon. Nicola Roxon MP
Hon. Jenny Macklin MP
Hon. Tony Burke MP
Senator Hon. Penny Wong
Senator Hon. Kim Carr
Hon. Robert McClelland MP
Senator Hon. Joe Ludwig
Hon. Martin Ferguson AM, MP
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 and Minister Assisting the Prime Minister on Mental Health Reform  Hon. Mark Butler MP
Minister for the Status of Women  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
SHADOW MINISTRY

Leader of the Opposition
Deputy Leader of the Opposition and Shadow Minister for
Foreign Affairs and Shadow Minister for Trade
Leader of the Nationals and Shadow Minister for Infrastructure
and Transport
Leader of the Opposition in the Senate and Shadow Minister for
Employment and Workplace Relations
Deputy Leader of the Opposition in the Senate and Shadow
Attorney-General and Shadow Minister for the Arts
Shadow Treasurer
Shadow Minister for Education, Apprenticeships and Training
and Manager of Opposition Business in the House
Shadow Minister for Indigenous Affairs and Deputy Leader of
the Nationals
Shadow Minister for Regional Development, Local Government
and Water and Leader of the Nationals in the Senate
Shadow Minister for Finance, Deregulation and Debt Reduction
and Chairman, Coalition Policy Development Committee
Shadow Minister for Energy and Resources
Shadow Minister for Defence
Shadow Minister for Communications and Broadband
Shadow Minister for Health and Ageing
Shadow Minister for Families, Housing and Human Services
Shadow Minister for Climate Action, Environment and Heritage
Shadow Minister for Productivity and Population and Shadow
Minister for Immigration and Citizenship
Shadow Minister for Innovation, Industry and Science
Shadow Minister for Agriculture and Food Security
Shadow Minister for Small Business, Competition Policy and
Consumer Affairs

Hon. Tony Abbott MP
Hon. Julie Bishop MP
Hon. Warren Truss MP
Senator Hon. Eric Abetz
Senator Hon. George Brandis SC
Hon. Joe Hockey MP
Hon. Christopher Pyne MP
Senator Hon. Nigel Scullion
Senator Barnaby Joyce
Hon. Andrew Robb AO, MP
Hon. Ian Macfarlane MP
Senator Hon. David Johnston
Hon. Malcolm Turnbull MP
Hon. Peter Dutton MP
Hon. Kevin Andrews MP
Hon. Greg Hunt MP
Mr Scott Morrison MP
Mrs Sophie Mirabella MP
Hon. John Cobb MP
Hon. Bruce Billson MP

[The above constitute the shadow cabinet]
Shadow Minister for Employment Participation
Hon. Sussan Ley MP

Shadow Minister for Justice, Customs and Border Protection
Mr Michael Keenan MP

Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation
Senator Mathias Cormann

Shadow Minister for Childcare and Early Childhood Learning
Hon. Sussan Ley MP

Shadow Minister for Universities and Research
Senator Hon. Brett Mason

Shadow Minister for Youth and Sport and Deputy Manager of Opposition Business in the House
Mr Luke Hartsuyker MP

Shadow Minister for Indigenous Development and Employment
Senator Marise Payne

Shadow Minister for Regional Development
Hon. Bob Baldwin MP

Shadow Special Minister of State
Hon. Bronwyn Bishop MP

Shadow Minister for COAG
Senator Marise Payne

Shadow Minister for Tourism
Hon. Bob Baldwin MP

Shadow Minister for Defence Science, Technology and Personnel
Mr Stuart Robert MP

Shadow Minister for Veterans’ Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC
Senator Hon. Michael Ronaldson

Shadow Minister for Regional Communications
Mr Luke Hartsuyker MP

Shadow Minister for Ageing and Shadow Minister for Mental Health
Senator Concetta Fierravanti-Wells

Shadow Minister for Seniors
Hon. Bronwyn Bishop MP

Shadow Minister for Disabilities, Carers and the Voluntary Sector and Manager of Opposition Business in the Senate
Senator Mitch Fifield

Shadow Minister for Housing
Senator Marise Payne

Chairman, Scrutiny of Government Waste Committee
Mr Jamie Briggs MP

Shadow Cabinet Secretary
Hon. Philip Ruddock MP

Shadow Parliamentary Secretary Assisting the Leader of the Opposition
Senator Cory Bernardi

Shadow Parliamentary Secretary for International Development Assistance
Hon. Teresa Gambaro MP

Shadow Parliamentary Secretary for Roads and Regional Transport
Mr Darren Chester MP

Shadow Parliamentary Secretary to the Shadow Attorney-General
Senator Gary Humphries

Shadow Parliamentary Secretary for Tax Reform and Deputy Chairman, Coalition Policy Development Committee
Hon. Tony Smith MP

Shadow Parliamentary Secretary for Regional Education
Senator Fiona Nash

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

Shadow Parliamentary Secretary for Local Government
Mr Don Randall MP

Shadow Parliamentary Secretary for the Murray-Darling Basin
Senator Simon Birmingham

Shadow Parliamentary Secretary for Defence Materiel
Senator Gary Humphries

Shadow Parliamentary Secretary for the Defence Force and Defence Support
Senator Hon. Ian Macdonald
SHADOW MINISTRY—continued

Shadow Parliamentary Secretary for Primary Healthcare  Dr Andrew Southcott MP
Shadow Parliamentary Secretary for Regional Health Services and Indigenous Health  Mr Andrew Laming MP
Shadow Parliamentary Secretary for Supporting Families  Senator Cory Bernardi
Shadow Parliamentary Secretary for the Status of Women  Senator Michaelia Cash
Shadow Parliamentary Secretary for Environment  Senator Simon Birmingham
Shadow Parliamentary Secretary for Citizenship and Settlement  Hon. Teresa Gambaro MP
Shadow Parliamentary Secretary for Immigration  Senator Michaelia Cash
Shadow Parliamentary Secretary for Innovation, Industry, and Science  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Fisheries and Forestry  Senator Hon. Richard Colbeck
Shadow Parliamentary Secretary for Small Business and Fair Competition  Senator Scott Ryan
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Monday, 31 October 2011

The SPEAKER (Mr Harry Jenkins) took the chair at 10:00, made an acknowledgement of country and read prayers.

PRIVATE MEMBERS' BUSINESS

Private Members' Motions
Reference to Main Committee

The SPEAKER: In accordance with standing order 41(g), and the determinations of the Selection Committee, I present copies of the terms of motions for which notice has been given by the members for Wakefield, Curtin, McMillan, Farrer and Werriwa. These matters will be considered in the Main Committee later today.

BILLS

Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011
Reference to Main Committee

Ms HALL: by leave—I move:
That the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 be referred to the Main Committee for further consideration.
Question agreed to.

PETITIONS

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

Marriage

PETITION TO RETAIN THE DEFINITION OF MARRIAGE BETWEEN A MAN AND A WOMAN
To the Honourable The Speaker and Members of the House of Representatives
We the undersigned citizens draw to the attention of the House of Representatives assembled that the definition of marriage as "a union between one man and one woman to the exclusion of all others, voluntarily entered into for life" is the foundation upon which our families are built and on which our society stands. To alter the definition of marriage to include same-sex "marriage" would be to change the very structure of society to the detriment of all, especially children:
We, the undersigned citizens therefore request that you protect the unique institution of marriage as traditionally understood and actually lived as the complementary love between a man and a woman. And, as in duty bound, will ever pray.
from 1,722 citizens

Alpine National Park
To the Honourable The Speaker and Members of the House of Representatives
This petition of citizens of Australia, draws to the attention of the House the overwhelming community support for the Victorian Government's current trial of cattle grazing in the Alpine National Park to help reduce the severity of future bushfires in the high country.
And further, condemns the Private Members' Bill introduced by the Greens Member for Melbourne Adam Bandt which seeks to ban cattle from the Alpine National Park.
We therefore ask the House to oppose the Greens Private Members' Bill when it is debated in Federal Parliament.
from 566 citizens

Easter Sunday
To the Honourable The Speaker and Members of the House of Representatives
This petition of certain citizens of Australia draws to the attention of the House that:

- The Fair Work Act does not recognise Easter Sunday as a public holiday in the National Employment Standards. It does recognise Good Friday and Easter Monday.
- Easter Sunday is a day of great significance for the 64% of Australians who identify as Christian and the 30% of Australians estimated to attend Easter Sunday Church services.
• Easter Sunday is part of a recognised holiday break for all Australian people, Christian or not.
• With the exception of Victoria, all mainland Australian States, as well as New Zealand, recognise the significance of Easter Sunday and require shops to close.
• Indeed, the significance of Easter Sunday is widely recognised throughout the Western world by the fact that shops must close on this day in London, Paris, Rome, Milan and Montreal.
• The Parliament of NSW unanimously legislated for Easter Sunday to be a public holiday.

We therefore ask the House to:
Amend the Fair Work Act 2009 so as to include, in the National Employment Standards, Easter Sunday in the list of recognised public holidays.

from 2,221 citizens

Dairy Industry
To the Honourable The Speaker and Members of the House of Representatives
The petition of certain citizens of Australia draws to the attention of the House:
In May 2010 the Senate Economics References Committee released the report from their inquiry into milk pricing entitled Milking it for all it's worth—competition and pricing in the Australian dairy industry.
The Senate Committee formed the view that the retail and processor levels are now dominated by two supermarket chains, Coles and Woolworths, and a handful of (now mostly foreign owned) processors, placing the farmers at a competitive disadvantage. It took the view that the major supermarkets appear to be using their dominant market positions (having captured 80% of the grocery market) to drive down the farmgate price through the sale of generic products that puts pressure on processors who are forced to compete with their own products.
We note that at times this is leading to severe hardship amongst dairy farmers, accelerating the process of forcing some to have to leave their farms.

Your petitioners therefore ask the House to:
Act on the recommendations of the Senate Economics References Committee report Milking it for all it's worth—competition and pricing in the Australian dairy industry.

from 439 citizens

Potato Imports
To the Honourable The Speaker and Members of the House of Representatives
Petition to stop the import of fresh potatoes from New Zealand due to serious disease concerns
This petition of members of the Australian vegetable and potato industries, initiated by AUSVEG, the national peak body representing around 9,000 vegetable and potato growers around Australia, draws to the attention of the House:
Concern from the industry that potatoes from New Zealand infected with Zebra Chip disease complex—a devastating potato disease which has caused millions of dollars worth of damage worldwide—will be allowed into Australia if a current New Zealand request for market access is approved.
AUSVEG has grave concerns that if this market access request is approved, it will put the Australian potato industry at extreme unnecessary risk, as it is highly likely that a proportion of the potatoes that come into Australia from New Zealand will be infected with Zebra Chip disease complex.
We therefore ask the House to:
• Take steps to ensure that Australia, via the relevant governing body, rejects the application by The Ministry of Agriculture Biosecurity New Zealand for market access, which would allow them to import fresh potatoes into Australia for processing under a Quarantine Approved Premise arrangement.

from 1,996 citizens

Palestine
To the Honourable The Speaker and Members of the House of Representatives
This petition of concerned citizens of Australia

from 439 citizens
Draws to the attention of the House the increasing international recognition of Palestine as a State, including the resolution to be lout to the United Nations Security Council to recommend Palestine's admission to the General Assembly as a state, currently set to take place in September 2011.

We therefore ask the House to recognise a Palestinian State in accordance with all relevant UN resolutions, and international and humanitarian law which Australia has consistently upheld.

Current Australian policy supports a two-state solution to the Israeli-Palestinian conflict in which a viable, independent and sovereign Palestinian state would exist side-by-side with Israel, each within internationally recognised and secure borders.

Failure to capitalise on this historic opportunity may jeopardise existing international frameworks for a just and peaceful resolution to the conflict.

from 1,384 citizens

**Live Animal Exports**

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

Petition calling for Parliament to Address Live Animal Export Cruelty

This Petition of the undersigned citizens of Australia draws attention of the House to calls on the Australian Government to adopt the motion of MP Tony Zappia with regard to the cruelty Australian exported animals are suffering.

We, the undersigned call on the House of Representatives to ensure Australia's reputation is restored as a compassionate and ethical nation from 21 citizens

**Child Soldiers**

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

This petition from concerned students and community of The King's Preparatory School in Parramatta, draws to the attention of the House the plight of child soldiers.

There are approximately 300,000 child soldiers acting as front-line soldiers in conflicts around the world and in the last ten years, hundreds of thousands of children have fought and died in conflicts around the world. The problem is most critical in Africa, where children as young as eight have been involved in armed conflicts. Children are also used as soldiers in various Asian countries and in parts of Latin America, Europe and the Middle East.

We therefore call on the House to watch the situation of children recruited and used as child soldiers anywhere in the world, and to use diplomatic paths such as writing to other ambassadors to help end this practice.

from 70 citizens

**Medicare: Bone Densitometry**

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

This petition from Soroptimist International of Australia, comprising 82 clubs and 1500 members, located from Cairns, through Queensland, New South Wales, ACT, Victoria, Tasmania, South Australia and Western Australia to Port Hedland, draws the attention of the House to this anomaly in Medicare, affecting all Australian women at menopause.

Currently the Government offers free bone densitometry to women at age 70. This is far too late for simple, inexpensive, mostly side effect free intervention for those who will develop osteoporosis.

Research by Prof B E Christopher Nordin, AO, Royal Adelaide Hospital, has demonstrated that, if a woman is scanned at the onset of menopause, her risk of developing osteoporosis can be identified and preventative treatment is easily managed.

The latest available costing from Access Economics in 2002 found that the direct cost of fractures due to osteoporosis was $1.9billion, with the total cost estimated $8billion. As the population ages, this can only escalate.

We therefore ask the House to take all necessary steps to enable a Medicare number to be allocated so that bone densitometry is available to all Australian women at menopause.

from 6,612 citizens
Marriage
To the Honourable the Speaker and Members of the House of Representatives

This petition of the parishioners from the Life Church Mooroopna, draws to the attention of the House the Marriage Equality Amendment Bill 2010 which had its second reading on Wednesday 29 September 2010, which states that "The Marriage Equal Amendment Bill 2010 seeks to amend the Marriage Act 1961 to provide equality for same sex couples. The Bill would remove discrimination under the Marriage Act so that while marriage is still a union between two consenting adults, it is not defined by gender"

The parishioners of the Life Church Mooroopna recognize the importance that-

- Marriage remain an institution centred around the wellbeing of children, not the 'rights' of adults
- Children have the chance wherever possible to be brought up by a mum and a dad who are married
- Governments recognize the stability of marriage providing benefits for children, adults and for society
- Governments respect long-standing social institutions that provide for strong families and strong communities
- Marriage lines remain clearly defined so as to curtail further changes to its definition including issues such a polygamy

The petitioners believe that there are a variety of domestic arrangements available and recognized within Australia.

We therefore ask the House to protect the unique institution of marriage as traditionally understood and defined by the Marriage Act 1961 as "the union of man and a woman, to the exclusion of all others, voluntarily entered into for life"

from 278 citizens

Petitions received.

PETITIONS

Responses

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

Marriage

Dear Murphy
Thank you for your letter of 25 August 2011 regarding a petition submitted to the Standing Committee on Petitions about the request that the Marriage Act 1961 be left unamended.

The Australian Government believes that the current definition of marriage in the Marriage Act 1961—"that marriage is between a man and a woman to the exclusion of all others, voluntarily entered into for life"—is appropriate.

The Government believes that couples who have a mutual commitment to a shared life should be able to have their relationships recognised. The Government supports a nationally consistent framework for relationship recognition to be implemented by the States and Territories. New South Wales, Victoria, Tasmania and the Australian Capital Territory have established relationship recognition schemes, where the relationship is legally recognised by the act of registration. Relationships registered under these schemes are also now recognised in a wide range of Commonwealth laws. The Government will continue to encourage other jurisdictions to develop such schemes.

I hope this information is of assistance to the Committee when considering this petition.

from the Attorney-General, Mr McClelland

Bat Nha Monastery

Dear Murphy
Thank you for your letter of 25 August 2011 to Mr Kevin Rudd MP, on behalf of the Standing Committee on Petitions, regarding Buddhist Monastics in Bat Nha, Vietnam. I am replying in my capacity as Acting Minister for Foreign Affairs.

The Australian Government strongly supports the right to freedom of religion or belief, as enshrined
in Article 18 of the Universal Declaration of Human Rights. Australia works multilaterally, regionally and bilaterally to promote this right. Australia co-sponsors the United Nations General Assembly’s resolution on the Elimination of all forms of intolerance and of discrimination based on religion or belief.

The Government makes regular human rights representations to countries that place restrictions on the right to freedom of religion or belief or impose sanctions on the exercise of this right.

In Vietnam, the Australian Government regularly raises human rights concerns, including freedom of religion. Mr Rudd personally discussed these concerns with Vietnam’s leadership during his visit to Vietnam in April 2011.

Australia has a bilateral Human Rights Dialogue with Vietnam in which we continue to raise human rights issues, including cases where individuals and groups have been arrested and/or imprisoned for the peaceful expression of their political or religious beliefs. The eighth round of the Dialogue was held in Canberra in February 2011.

In September 2009, the Australian Embassy in Hanoi closely monitored the situation of the monks and nuns expelled from the Bat Nha Monastery. The Embassy was in contact with senior representatives of the followers of the Most Venerable Thich Nhat Hanh in Vietnam. Embassy officials raised concerns with the Government of Vietnam and sought further information from relevant ministries. In our discussions with the Government of Vietnam the Embassy emphasised consistently the importance of peaceful resolution of religious disputes.

Vietnam is a party to the International Covenant on Civil and Political Rights (ICCPR) which includes key human rights guarantees in respect of freedom of religion. Australia regularly urges Vietnam to uphold the ICCPR’s provisions, including through the Human Rights Dialogue.

Australia also plays a constructive role at the Human Rights Council, including through the Universal Periodic Review (UPR) process. The UPR provides a forum for constructive discussion of human rights situations in all UN member states, including Vietnam, and it identifies practical steps to be taken to address specific human rights concerns. Australia was an active participant in Vietnam’s UPR review in 2009.

I can assure you that the Australian Government will continue to take appropriate opportunities to raise the issue of religious freedom with the Government of Vietnam.

from the Minister for Trade, Mr Emerson

Constitution

Dear Mr Murphy

Thank you for your letter of 23 May 2011 forwarding to me a petition submitted for consideration of the Standing Committee on Petitions, regarding the presumption of insolvency of authorised deposits-taking institutions. I apologise for the delay in responding to you.

The Australian Securities and Investment Commission (ASIC) is responsible for regulating Australia’s corporate, markets and financial services. ASIC is an independent Commonwealth Government body and contributes to Australia’s economic reputation and wellbeing by ensuring that Australia’s financial markets are fair and transparent, supported by confident and informed investors and consumers. ASIC regulates Australian companies, financial markets, financial services organisations and professionals who deal and advise in investments, superannuation, insurance, deposit taking and credit via the Corporations Act 2001 and the Australian Securities and Investments Commission Act 2001.

As the petitioners have noted, under subsection 461(h) of the Corporations Act 2001, the Court may make an order winding up a company if ASIC prepares a report stating that the company is unable to pay its debts and should be wound up or alternatively it is the interests of the public, the company’s members. This is in addition to the power of the Court to wind up a company if it considers the company to be insolvent. Under the Corporations Act, the Treasurer has no standing to apply to the Court to wind up a company.

Section 459C of the Corporations Act permits a creditor to rely on a presumption of insolvency in limited cases. These include when a creditor has failed to comply with a statutory demand for
payment of debt. In each case, the presumption of insolvency can be rebutted by evidence to the contrary. The general provisions relating to the winding up of companies also apply to ADIs.

As Australia's corporate, markets and financial services regulator, ASIC makes many decisions about corporations, securities and financial products and services that can affect individuals. Individuals have the right to request further information regarding individual decisions made by ASIC or to seek a statement of reasons from ASIC for decisions made. Individuals may also have a right to seek review of an ASIC decision by the Administrative Appeals Tribunal (AAT). The AAT is an independent body which can review some of ASIC's decisions.

Should the petitions wish to raise their concerns with ASIC, it can be contacted by calling 1300 300 630, by visiting www.asic.gov.au, or by writing to:

Australian Securities and Investments Commission
GPO Box 9827
Your Capital City

The petition also raises the issue of the Government's fiscal stimulus. The stimulus supported the economy during the global downturn, and was the main reason why Australia avoided recession. Due in part to the effectiveness of Australia's stimulus packages, the Australian economy weathered the global financial crisis better than almost all other advanced economies.

Without the Government's fiscal stimulus, the Australian economy would have followed the rest of the advanced world into recession. Australia was one of only three advanced economies to avoid recession and while other economies suffered large job losses, the Australian has economy created over 700,000 jobs since the end of 2007. As was noted in the 2011-12 Budget, the Australian labour market remained remarkably resilient during the GFC. Since March 2007, employment has increased by around 91/4 per cent in Australia compared with around 3 per cent in Canada, 21/4 per cent in New Zealand and a decrease of 4% per cent in the United States

In relation to the petitioner's concerns with Australia's involvement in the G20 forum, I note that the Gillard Government is committed to realising the benefits from working with the G20 to help build a lasting global recovery, while maintaining the flexibility to do what is right for Australia's economy and for Australian families.

The G20 was established in 1999, in the wake of the 1997 Asian Financial Crisis, to bring together major advanced and emerging economies to stabilize the global financial market. Since its inception, the G20 has held annual Finance Ministers and Central Bank Governors' Meetings and discussed measures to promote the financial stability of the world and to achieve a sustainable economic growth and development. To tackle the financial and economic crisis that spread across the globe in 2008, the G20 members were called upon to further strengthen international cooperation. Accordingly, the G20 Summits have been held in Washington in 2008, in London and Pittsburgh in 2009, and in Toronto and Seoul in 2010.

The concerted and decisive actions of the G20, with its balanced membership of developed and developing countries helped the world deal effectively with the financial and economic crisis, and the G20 has already delivered a number of significant and concrete outcomes which have benefited Australia. Further information on the important work of the G20 can be found here: www.g20.org.

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

Thank you for bringing this petition to my attention. I trust this information will be of assistance to you.

from the Treasurer, Mr Swan

Easter Sunday

Dear Mr Murphy

Thank you for your letter of 12 May 2011 concerning the petition presented by Ms Anna Burke MP, Member for Chisholm, requesting that Easter Sunday be recognised as a public holiday under the Fair Work Act 2009. I apologise for the delay in responding.

The Australian Government has made significant reforms to the national workplace relations
system in Australia, including the introduction of modern awards and the National Employment Standards (NES).

Public holidays form part of the NES and provide employees in the national system with an entitlement to be absent from work, with pay, on a number of nationally significant public holidays. The public holidays that the NES protects are those days traditionally declared by state and territory governments to be public holidays. As Easter Sunday has not traditionally been recognised as a public holiday by state and territory jurisdictions, it is therefore, not included in the NES as a public holiday.

The NES, however, provides that state and territory governments may declare additional public holidays. As indicated in your correspondence, Easter Sunday has recently been declared a public holiday in New South Wales. The ability to declare Easter Sunday to be a public holiday is accordingly available to all other state and territory governments, reflecting longstanding practices with respect to the declaration of public holidays in Australia.

I trust the information provided is helpful.

from the **Minister for Tertiary Education, Skills, Jobs and Workplace Relations**, Senator Evans

**Dairy Industry**

**Dear Mr Murphy**

Thank you for your letter of 7 July 2011, originally directed to the Minister for Agriculture, Fisheries and Forestry, regarding a petition asking the House to act on the recommendations of the Senate Economics References Committee report Milking it for all it's worth—competition and pricing in the Australian dairy industry. Your letter has been referred to me as I have portfolio responsibility for competition policy.

As the petitioners may be aware, there have been significant developments since the release of the 2010 Senate Committee report.

After inquiring into why milk prices seemed relatively high compared to the farm gate price, the Senate Economics Committee is now conducting an inquiry into the impact on the Australian dairy industry supply chain of the decision by Coles (followed by Woolworths, Aldi, Franklins and Metcash) to reduce the price of private-label milk. The Government supported the establishment of this inquiry and is carefully considering the evidence received to date by the Committee.

The Committee released its first interim report on 20 April 2011. The Government tabled its response to this interim report on 12 May 2011. The Government's response noted that there are complex issues at play in the interactions between farmers, milk processors and retailers, and that any regulatory change, in particular an amendment to Australia's competition law, could result in unintended and economy-wide effects.

As the Senate Committee's first interim report noted, many of the issues raised in the inquiry require scrutiny and analysis over a longer period of time. The Committee noted that the short term effects may differ significantly from the medium-term effects. In particular, the Committee believes that the impact of the reductions in retail milk prices depends crucially on how long they are in place and the extent to which they are reflected in upcoming contract renegotiations with processors.

On 9 May 2011, the Senate Committee released a second interim report that sets out the evidence received by the Committee and invites further submissions before its final report and recommendations are tabled by 1 October 2011. I encourage the petitioners to consider the Committee's invitation to make a submission in response to the second interim report.

The Government's response to the Senate Committee inquiry needs to take into account all of the available evidence. The Government will carefully consider the recommendations of the inquiry's final report when it is delivered, in conjunction with the 2010 report.

I would note that, on 22 July 2011, the ACCC released a statement to advise that there is no evidence that Coles has acted in breach of the Competition and Consumer Act 2010. The ACCC noted that its enquiries 'have revealed evidence that Coles' purpose in reducing the price of its house brand milk was to increase its market share by taking sales from its supermarket competitors including Woolworths. This is consistent with
what the ACCC would expect to find in a competitive market.’

The ACCC stated that ‘on the evidence we've [the ACCC] gathered over the last 6 months it seems most milk processors pay the same farm gate price to dairy farmers irrespective of whether it is intended to be sold as branded or house brand milk.’ The ACCC has stated that it will continue to monitor conduct within the dairy industry and grocery sector for signs of anti-competitive behaviour.

I thank Mr Darren Chester MP for tabling this petition and I hope this information will be of assistance to those concerned.

from the Parliamentary Secretary to the Treasurer, Mr Bradbury

Potato Imports

Dear Mr Murphy

Thank you for your letter of 4 July 2011 advising of a petition submitted to the Standing Committee on Petitions regarding the importation of potatoes from New Zealand.

The Government is committed to maintaining Australia’s animal and plant health status. Our trade in food and agricultural products is underpinned by a rigorous biosecurity regime based on the latest scientific information and standards.

Under the World Trade Organization (WTO) Agreement on Sanitary and Phytosanitary Measures (the SPS Agreement), Australia is free to set its own Appropriate Level of Protection and to put in place measures to guard against the entry, establishment or spread of pests and diseases. The SPS Agreement requires that all quarantine measures must be based on scientific evidence. This provides a framework to guard against WTO Members putting in place restrictions that would arbitrarily restrict trade.

Officers in my department are in regular contact with the Department of Agriculture, Fisheries and Forestry (DAFF) on this matter. DAFF has advised that Biosecurity Australia will soon commence a formal review of the import policy for potatoes from New Zealand. As part of this review, Biosecurity Australia will publicly release the draft import conditions and stakeholders will have the opportunity to provide comments and submissions. I encourage you to be part of this process and to follow the development of the review through the Biosecurity Australia website www.daff.gov.au/ba.

Thank you for bringing your views to the attention of the Government.

from the Minister for Trade, Mr Emerson

Plain Packaging

Dear Mr Murphy

Thank you for your letter of 4 July 2011 regarding a petition made to the Speaker of the House of Representatives in relation to plain packaging of tobacco products.

The Australian Government is implementing plain packaging of tobacco products as part of a comprehensive suite of reforms to reduce tobacco consumption and its harmful effects. These reforms include an increase in the tobacco excise of 25 per cent, legislation to restrict internet advertising of tobacco products in Australia, and more than $85 million in anti-smoking social marketing campaigns, including $27.8 million for campaigns targeted at high risk and highly disadvantaged groups who are hard to reach through mainstream campaigns.

Although smoking rates are falling, approximately three million Australians are still smoking. The chilling facts are that smoking kills over 15,000 Australians every year and costs our society $31.5 billion each year. Helping people to give up smoking, and minimising the chance of them starting, are major priorities for this Government.

The Government's proposed plain packaging legislation is a world first and sends a clear message that the glamour is gone—cigarette packs will now only show the death and disease that can come from smoking. The new packs have been designed to have the lowest appeal to smokers and to make clear the terrible effects that smoking can have on your health.

The research evidence to June 2009 in support of plain packaging is set out extensively in the reports of the National Preventative Health Taskforce available at...
www.preventativehealth.org.au  Since 2009 the evidence base has continued to grow.
The research shows that plain packaging will:
- increase the noticeability, recall and impact of health warning messages;
- reduce the ability of packaging to mislead consumers to believe that some products may be less harmful than others; and
- reduce the attractiveness of the tobacco product, for both adults and children.
Plain packaging will not take away an individual's ability to distinguish between and choose brands, but will reduce the ability of a manufacturer to use packaging to promote their product. Brand and variant names of tobacco products will still be permitted to appear on retail packaging, in specified locations and with a standardised font, size and colour. Brand names will be permitted to appear on the top, bottom and front of cigarette packaging.
We know that these changes will not be popular with everyone. However, we have a responsibility to encourage smokers to quit and to discourage people, especially young people, from taking it up.
I appreciate you bringing the contents of the petition to the Government's attention and trust that the information I have provided is of assistance to the House.
from the Minister for Health and Ageing, Ms Roxon

Malabar Headland

Dear Mr Murphy
Thank you for your letter of 22 August 2011 to the Minister for Sustainability, Environment, Water, Population, and Communities, the Hon. Tony Burke MP, and to me, concerning a petition submitted to the Standing Committee on Petitions regarding the removal of horses from Malabar Headland.
The terms of this petition are such that the petitioners object to the termination of the Malabar Riding School's licence to occupy the Commonwealth owned Malabar Headland site, effective 31 October 2011. The petitioners also request that the House ensure that equestrian activities are continued during the transfer of the site to the NSW Government, and that the House grant a portion of the land at Malabar Headland for use as an equestrian sports facility.
The decision to issue termination notices to the licensed users of Malabar Headland occurs in the context of concerns about a diverse range of health and safety risks. These include, but are not limited to, contamination arising from previous and current usage of the site, and trip and fall hazards. Licensees cannot continue to use the site while these risks exist because the safety of all users is the Commonwealth's priority.
The interim measures the Department of Finance and Deregulation (Finance) has taken to mitigate risks are based on the assumption that the Malabar Riding School and other licensees will vacate the property by 31 October 2011. Continued occupancy and usage of the site beyond that time for equestrian purposes would not be compatible with the Commonwealth's health and safety responsibilities.
The formal intention to transfer Malabar Headland to the NSW Government has been on the public record since the 2007 federal election campaign. In August 2010, the Commonwealth reiterated a commitment to transfer parts of the site to the NSW Government for conservation purposes. In February 2011, the Commonwealth and NSW Governments signed agreements to formalise and progress the transfer.
I understand the petitioners' concern to protect and promote the interests of the equestrian activities in the region; however, I must also have regard to the Commonwealth's stated intention to transfer the Malabar site, health and safety responsibilities, and the views of other stakeholders, including state and local governments and other community groups.
Finance is continuing to consult with licensed users to facilitate vacation of the site by 31 October 2011. I trust this information is of assistance to the Committee.
from the Special Minister of State, Special Minister of State for the Public Service and Integrity, Mr Gray
Ahrens, Dr Christoph

Dear Mr Murphy

Thank you for your letter of 25 August 2011 regarding a request to retain Dr Christoph Ahrens in the rural community of Bega.

The National Registration and Accreditation Scheme (NRAS) for health professions commenced on 1 July 2010 and is the result of agreement between the state, territory and Commonwealth governments, through the Council of Australian Governments, to align the previously disparate state and territory registration schemes for health practitioners. Key aims of the NRAS include increasing public safety and providing mobility for health practitioners.

While the NRAS is a national scheme, it operates independently of the Commonwealth under state and territory legislation. The Health Practitioner Regulation National Law Act 2009 (the National Law) provides for the full operation of the scheme. Oversight of the operation of the scheme is provided jointly by state, territory and Commonwealth Health Ministers through the Australian Health Workforce Ministerial Council (the Ministerial Council).

Under the NRAS there is a national registration board for each participating health profession. Members of a national board are appointed by the Ministerial Council and are independent in the implementation of their responsibilities. The national boards are supported in their role by the Australian Health Practitioner Regulation Agency (AHPRA), an independent statutory agency. Section 11 of the National Law provides that the Ministerial Council may give direction to a national board in respect of policy, but may not give direction in relation to individual registration matters.

The Medical Board of Australia (MBA) has responsibility for the registration of medical practitioners; the development of professional practice standards for medicine; handling complaints and matters of professional discipline; and approving standards for the accreditation of Australian training programs and assessment of the skills and qualifications of overseas trained practitioners.

As you may be aware, an application for registration passes through stages which may include various tests or examinations. Following that process a recommendation is then made by AHPRA to the Board.

Should a medical practitioner be refused renewal of his or her registration by the Board, an appeals process is available. The process is set out under Part 8, Division 13 of the National Law.

It may interest you to know that the MBA has announced a review of the implementation of its assessment pathways, to make sure they are as effective as they can be in ensuring that all overseas trained doctors who have the skills, qualifications and experience to provide safe care to the community can be registered. Information regarding the MBA review of the assessment pathways will be available on the MBA website at www.medicalboard.gov.au.

In addition, the House of Representatives Standing Committee on Health and Ageing is currently completing an inquiry into and report on Registration Processes and Support for Overseas Trained Doctors. More information on the inquiry can be found on the Parliament of Australia website at www.aph.gov.au/house/committee/haa/overseasdoctors/index.htm.

I note from the public register of practitioners on the AHPRA website at www.ahpra.gov.au that as at 14 September 2011, Dr Ahrens is registered to practise. He has Limited Area of Need registration, Dr Ahrens has conditions attached to his registration pertaining to required supervision arrangements, locations of practice and professional development activities.

I trust that the above information is of assistance.

from the Minister for Health and Ageing,

Ms Roxon

Aged Care

Dear Mr Murphy

Thank you for your letter of 25 August 2011 to the Minister for Health and Ageing, the Hon. Nicola Roxon MP, regarding the petition on the matter of the Productivity Commission's Final Report, Caring for Older Australians. Your letter has been referred to me as the Minister for Mental Health and Ageing.
I have enclosed a formal response to the subject of the petition for the consideration of the Standing Committee on Petitions.

I appreciate you bringing the contents of the petition to the Australian Government's attention and trust that the enclosed information assists the House in responding.

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

This petition of concerned citizens of Australia draws to the attention of the House the extension of asset testing of the family home for aged-care services. The Productivity Commission has recommended that the family home be used in wealth assessments to determine the level of care and accommodation fees applicable to the care recipient. The Productivity Commission has recommended that bonds be extended to high-care places and that reverse mortgages be installed as a funding mechanism for residential aged care and home and community care.

We therefore ask the House to oppose these recommendations that will see older people selling or reverse mortgaging their home to access aged-care services.

Response:

The Productivity Commission's Final Report, Caring for Older Australians, was released on 8 August 2011 and includes proposals for extensive reform of Australia's aged-care system. A copy of the report is available on the Productivity Commission's website at www.pc.gov.au

The Australian Government recognises the need for fundamental reform of the aged-care system in order to ensure that it continues to provide high-quality care and can respond to the needs of Australia's ageing population in a way that is sustainable for the future. The Government is already implementing reforms to the aged-care system through a range of initiatives under National Health Reform. Further reform is necessary, however, which is why the Government asked the Productivity Commission to undertake its inquiry into aged care. The Commission's report will be helpful in informing the way forward.

The Commission's report presents an integrated reform package and at this early stage it would be inappropriate to rule anything in or out. In formulating its response, the Government will be guided by four overarching principles.

Firstly, older Australians have earned the right to be able to access quality care and support that is appropriate to their needs, when they need it. Secondly, older Australians deserve greater choice and control over their care arrangements than the system currently gives them. Thirdly, funding arrangements for aged care must be sustainable and fair for both older Australians and for the broader community. Finally, older Australians deserve to receive quality care from an appropriately skilled workforce.

In developing its response to the Productivity Commission's report, the Government will be meeting with key stakeholders and has also started a national conversation with older Australians, their families and carers on the ageing reform agenda at forums across the country.

Over the coming few months, I will be visiting capital cities and regional towns across Australia to listen to the views of older Australians, their families and carers about the Commission's recommendations as well as ideas for positive and healthy ageing. Further information on the national conversation is available on my blog at http://agedcareconversations.govspace.gov.au

from the Minister for Mental Health and Ageing, Mr Butler

Battery Hens

Dear Mr Murphy

Thank you for your letter of 26 August 2011, about the petition requesting that the confining of hens in cages for egg production is phased out, submitted for the consideration of the Standing Committee on Petitions.

Each state and territory government is responsible for its animal production and welfare legislation. The Australian Government has no legislative responsibility for this issue but has played a leadership role by engaging the states and territories to develop model codes of practice for the welfare of animals. These model code for poultry aims to ensure that laying hens are treated humanely and responsibly, regardless of the
production system used. The codes are reviewed from time to time to keep them up to date with technological and scientific developments.

Copies of the model codes can be purchased from CSIRO Publishing, freecall 1300 788 000, or downloaded for free from the CSIRO Publishing website at http://www.publish.csiro.au/nid/22/sid/11.htm. The codes are being progressively replaced by a new series of nationally agreed standards and guidelines, which will be legislated by the states and territories. All states and territories are now working to implement the first of these, the Australian Animal Welfare Standards and Guidelines—Land Transport of Livestock. The government ensures the inclusion of farming industries and animal welfare organisations, including the RSPCA, in these processes.

I note the petitioners' observation that other countries have banned the use of battery cage production systems. I understand that some European countries have banned the use of battery cages, but still permit the use of furnished cages. Sweden has banned cage production systems; however, imports of cage eggs now account for around 60 per cent of Sweden's total egg consumption.

Thank you for bringing this petition to the government's attention. I trust this information is of assistance.

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

Aviation

Dear Mr Murphy

Thank you for your letter dated 12 September 2011 about a petition recently submitted for the consideration of the Standing Committee on Petitions, regarding cabin crew to passenger ratios.

As you may be aware, the House of Representatives Standing Committee on Infrastructure and Communications is currently holding an inquiry into the ratio of cabin crew members to passengers on aircraft, including the consideration of submissions from all interested parties, and is examining the role of cabin crew in maintaining the safety and security of passengers. The Committee is expected to report to the House of Representatives later this year.

The Australian Government looks forward to the outcomes of the current inquiry and will consider the Committee's report when completed.

from the Minister for Infrastructure and Transport, Mr Albanese

National Disability Insurance Scheme

Dear Mr Murphy

Thank you for your letter of 25 August 2011 regarding a petition recently submitted for the consideration of the Standing Committee on Petitions requesting that the National Disability Insurance Scheme be implemented immediately.

As the issue you have raised falls within the portfolio responsibilities of the Minister for Families, Housing, Community Services and Indigenous Affairs, the Hon. Jenny Macklin MP, I have referred your letter to Minister Macklin for her consideration and appropriate action.

from the Minister for Health and Ageing, Ms Roxon

National Disability Insurance Scheme

Dear Mr Murphy

I acknowledge receipt of Mr Murphy's letter of 25 August 2011 to the Deputy Prime Minister concerning a petition regarding the National Disability Insurance Scheme.

As the matter falls more directly within the portfolio responsibilities of the Minister for Families, Housing, Community Services and Indigenous Affairs, your correspondence has been referred to the Hon. Jenny Macklin MP for her attention.

from the Treasurer, Mr Swan

Apple Imports

Dear Mr Murphy

Thank you for your letter of 18 August 2011 giving notice of a petition opposing the importation of fresh apples from New Zealand due to biosecurity concerns that was recently presented to the Standing Committee on Petitions. The Department of Agriculture, Fisheries and Forestry has conducted a review of import
conditions for the importation of New Zealand apples. The review was conducted because the World Trade Organization ruled that the previous import conditions, set in early 2007, were not sufficiently supported by scientific knowledge.

The review was transparent and subject to independent scrutiny and assessment, including by the public. A draft review was published on the department's website and submissions on the draft were received for 60 days. All submissions received were considered in finalising the revised policy for the importation of apples from New Zealand.

All imports of fresh food into Australia are subject to quarantine checks. Apples from New Zealand are no different.

I enclose a four-page summary of the review and its recommendations, which outline the conditions for orchards and packing houses along with quarantine conditions that apply to the importation of apples from New Zealand.

I note the petitioners' request to stop imports of fresh apples from New Zealand and to revise the import protocols for fire blight. However, the department has already conducted a review to establish scientifically supported import conditions. It is not appropriate for me to interfere in this process.

Thank you for bringing this petition to my attention. I trust this information is of assistance.

Summary

Background

In November 2006 the Final import risk analysis report for apples from New Zealand (final IRA report) was published. On 26 March 2007 the Director of Animal and Plant Quarantine determined the policy to permit import of apples from New Zealand, subject to application of the quarantine measures specified in the final IRA report. New Zealand challenged the measures for fire blight, European canker and apple leaf curling midge, through the Dispute Settlement Body of the World Trade Organization (WTO), claiming that the measures were inconsistent with Australia's international obligations under the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement).

A Dispute Settlement Panel was formed and, on 9 August 2010, ruled that Australia's phytosanitary measures for New Zealand apples are not justified. Australia notified its intention to appeal the Panel's decision and the Appellate Body reported on 29 November 2010, reaffirming the Panel's rulings that Australia's phytosanitary measures for New Zealand apples are not justified. There are no further avenues for appeal. As a member of the WTO, Australia is obliged to implement the independent findings of the Panel and Appellate Body, or risk retaliatory action from New Zealand.

On 30 November 2010, the Australian Government announced it "has accepted the decision and will now proceed with a science-based review of the import risk analysis for New Zealand apples. The review will be conducted by Biosecurity Australia".

This report presents an analysis of the existing policy for the import of apples from New Zealand. The quarantine risks posed by three pests associated with the importation of apples from New Zealand: fire blight (caused by the bacterium Erwinia amylovora), European canker (caused by the fungi Neonectria ditissima), and apple leaf curling midge (Dasineura mali) are reassessed. The analysis has been undertaken in order to meet Australia's WTO obligations and the requirements of the Quarantine Act 1908 and the Quarantine Proclamation 1998 as amended.

Outcome of the Review

The report proposes that the current import conditions for apple fruit from New Zealand be amended and that the importation of apples be permitted, subject to a range of quarantine conditions.

This report takes into account the pre-harvest, harvest and post-harvest practices for the production of apples for export from New Zealand. Also considered is new scientific information that was not available when the 2006 final IRA report was completed. The report concludes that the risks associated with fire blight, European canker and apple leaf curling midge can be managed to achieve Australia's appropriate level of protection (ALOP).
In addition to the three pests considered in this report, the final IRA report in 2006 recommended quarantine measures for a further nine quarantine pests. Those nine pests included five leafrollers that were assessed as quarantine pests for all of Australia, and two mealybugs, codling moth, and apple scab (caused by Venturia inaequalis) that were assessed as quarantine pests only for Western Australia. Apple scab is now considered to be present in Western Australia and is no longer a quarantine pest requiring measures. The measures recommended for those remaining pests must also be applied to export consignments and include:

- A 600 fruit sample from each lot of fruit inspected and found free of quarantine pests for Australia (for leafrollers and mealybugs).
- Establishment of pest free areas, or areas of low pest prevalence for codling moth, or fumigation with methyl bromide. This measure is only required for lots destined for Western Australia.

A draft report was released on 4 May 2011 for a 60 day consultation period to allow interested parties the opportunity to provide written submissions. Biosecurity Australia received 65 submissions and has considered all stakeholder comments. The report has been amended to take account of all scientifically relevant comments and information.

Management of apple imports from New Zealand
The import of apples from New Zealand is managed in 4 ways:

1. **Supply chain traceability**
   Australia's import conditions require that apples only be exported from registered orchards producing export quality fruit (i.e. mature and symptomless, free of rots and hail damage). Apple fruit must be processed in registered packing houses. Registration is required to ensure that all export production sites and facilities are known and can be audited. This enables the tracing of fruit back to source.

2. **Specific pest and disease control measures**
   - **In-orchard controls**
     Orchardists must demonstrate compliance with Australia's import conditions. Australia will verify and audit pest monitoring records, use of disease risk models and the application of relevant control measures.
     Australia requires the following practices to be applied in all orchards producing apples for export:
     
     **Fire blight management**
     Orchardists registered to export apples to Australia are required to have in place a fire blight monitoring regime, use targeted spray applications and prune out affected vegetation to reduce the levels of bacteria present in the orchard and the opportunity for infection.
     Computer model based warning systems, calibrated for New Zealand, predict weather conditions suitable for potential infection events. These systems allow orchardists to ensure the targeted application of streptomycin or a biological control (e.g. Blossom Bless) to greatly reduce the risk for fire blight blossom infection. Biological control is the most commonly used method to manage fire blight blossom infection and is compatible with organic production. It has been shown to be as effective as streptomycin.
     Throughout the year, orchards are monitored for symptoms of fire blight. This allows targeted removal of any affected shoots and branches.

3. **Verification**
   Verification will be by:
   - review of documents which evidence the processes required by Australia
   - on the ground validation that key personnel (e.g. growers, pest management consultants, orchard managers) have a sound knowledge of Australia's requirements
   - inspection of key components of the supply chain, including packing houses and cool stores, to ensure Australian requirements are met
   - physical inspections will take place both in New Zealand and Australia on every consignment

   Australia requires that in New Zealand, a minimum 600 fruit sample from each lot (one variety per production site per harvest period) of fruit packed must be inspected and found free of...
quarantine pests and trash. Lots found to fail this requirement will be withdrawn from export to Australia.

In Australia, quarantine officers will verify that consignments are as described on phytosanitary certificates and that supply chain product security has been maintained. Australian quarantine officers will also take a 600 fruit random sample\(^1\) from each consignment for inspection for quarantine pests and trash.

4. Audit

Australia will audit New Zealand's phytosanitary system for apple export production. Audits will be conducted at any time and at the discretion of Australia. Audits will measure compliance with all aspects of the program as identified above, including: orchard registration, pest/disease management, packing house registration, compliance with packing house responsibilities, traceability, labelling, product segregation and supply chain product security, and New Zealand's certification processes.

\(1\) According to *International Standards for Phytosanitary Measures No. 31, Methodology for Sampling of Consignments* at the 0.5% detection rate with a 95% confidence level, as used internationally in the trade of horticultural commodities.

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

Dear Mr Murphy

I refer to your letter of 25 August 2011 regarding a petition about allegations of genocide against the Republic of Turkey, submitted for the consideration of the Standing Committee on Petitions.

I note that the petition, inter alia, asks the House to outline whether it supports any allegations of genocide against the Republic of Turkey and its predecessor, the Ottoman Empire.

The Committee may wish to know that the Australian Government acknowledges the mass killings and deportations at the end of the Ottoman Empire, and the devastating effect these events have had on subsequent generations, their identity, heritage and culture. The Government also understands the deeply-held feelings in various Australian communities in relation to this period of history.

While the Government respects these feelings, it nevertheless strongly believes that dialogue between the governments and communities of the countries concerned is the best way to address such issues, and does not intervene in this historical dispute.

I trust that this information will be of assistance to the Committee in its consideration of the petition.

from the **Minister for Foreign Affairs, Mr Rudd**

**Halal Food**

Dear Mr Murphy

Thank you for your letter of 25 August 2011 on behalf of the Standing Committee on Petitions concerning a petition regarding Halal food labelling practices. This matter was considered by the Committee at its meeting on 24 August 2011.

I have referred your letter and the petition for a formal response to the Parliamentary Secretary for Health and Ageing, the Hon. Catherine King MP, who is responsible for the administration of the matter raised in the petition.

I appreciate you bringing the petition to the Australian Government's attention.

from the **Minister for Innovation, Industry, Science and Research, Mr Carr**

**Statements**

**Mr MURPHY (Reid) (10:05):** The Petitions Committee has received and considered a steady flow of petitions and ministerial responses since the last committee announcement in mid September. It is notable, however, that this announcement contains a large number of ministerial letters responding to petitions presented in the House over the last few months. As a result, it is the ministerial response feature of the House's petitioning process that I will focus my comments on today.
The seventeen ministerial responses tabled this morning jointly responded to approximately 52 individual petitions tabled in the House over the last three to four months. These were petitions either tabled by me in my role as chair of the Petitions Committee or by various private members. Collectively these ministerial responses address the combined concerns of approximately 73,000 citizens who signed one of these 52 petitions tabled in the House. This statistic alone highlights the importance of this aspect of the petitioning process.

After the tabling of the ministerial responses, as occurred this morning, each principal petitioner is advised of the tabled response and a copy is posted to them. The text of the ministerial response is reproduced in the official transcript of the House and published on the committee's website. This practice is in accordance with a specific standing order governing the petitioning process. So, another major strength of the process is that the issues and the explanations given by government are available not only to the committee and petitioners but also to the general public. If we backtrack a little to when a petition is first considered by the committee, the committee usually decides to refer the petition to the relevant minister to seek their comment. This is a prerogative of the committee, but the majority of petitions are referred. The referral of a petition is significant not in the expectation that the petition request will be granted—more often than not this is not the case—but as a mechanism for citizens' concerns to be directly conveyed to ministers responsible for the applicable policy or administrative area.

Occasionally the response is a success story in which the minister agrees to take the action that is sought. But the general expectation is that the ministerial response will explain a situation that has been raised in the petition. It will cover the background and status of the current policy or legislation and it may outline administrative processes or arrangements or any plans for amendment or change.

The committee has found the responses to petitions to be timely and thorough. This not only means that the process is being followed as intended and ministers are meeting the standing order requirement of responding to petitions within 90 days of tabling, but it also provides petitioners and citizens with advice on the petition's subject matter. We saw one example of the level of consideration given to the petitioning process in one of the responses tabled this morning. It provided an update on an already tabled response to a petition on the proposed closure of Balwyn Post Office. As I have said before, the committee's power to seek a ministerial response and the general cooperation of ministers in replying in a timely way is one of the great successes of the revised arrangements for petitions.

**DELEGATION REPORTS**

**Parliamentary Delegation to Denmark, Sweden and Greece**

Mr LAURIE FERGUSON (Werriwa) (10:06): Mr Speaker, I present the report on the Australian Parliamentary Delegation to Denmark, Sweden and Greece in April 2011. At the outset I would like to congratulate Jackie Morris, Julia Clifford from the President of the Senate's office, as well as the DFAT staff for the support they gave to this delegation.

The delegation's fundamental emphasis was on sustainable energy production in Europe. As part of that we visited a significant number of companies, particularly in Denmark. One thing I was unaware of before this delegation's visit was that Denmark's strong movement towards
sustainable energy was not a response to recent climate change issues but an attempt by Denmark to overcome the oil dependence that it experienced in the 1970s. Denmark then went into alternatives.

We saw a variety of companies during this visit: DONG Energy's Avedore Power Station, which utilises wood pellets and straw; Riso National Laboratory for Sustainable Energy, Technical University of Denmark, which undertakes research in wind, solar and fuel alternatives; and Inbicon Biorefinery, a DONG subsidiary. One of the realities of our visit was the significant cross-political support for strong action on climate change and a move towards alternatives. Unlike Australia, where we see a very intense debate around these issues, in both Sweden and Denmark the reality was cross-political support for action. Obviously, in the interim since our visit, the change of government in Denmark will mean an even more intense support for change.

We visited Greece to look at their intentions in this field. I think the delegation was universally of the view that, whilst Greece might have had at that time great aspirations, its delivery would be somewhat questionable over the long term. One of the problems Greece faces is that 10 per cent of its population are on the islands and it has very real challenges with regards to generation of energy to counter that problem of distribution.

Another aspect of the visit to Greece outside of the energy area was a discussion with the International Organisation of Migration. There the chairman of that organisation expressed concern about the deterioration of records in Greece of Australian migration. Obviously this country experienced a major surge of Greek migration after the Second World War. These records are in a fairly forlorn state there. He indicated that on previous occasions he has tried to get some interest from the Greek diaspora in this country and various financial sources to make sure that those records of where people came from, their occupations, their family units et cetera, were preserved. The member for Hindmarsh opposite would have an interest in that and I know that he will work very hard to make sure something is done to preserve these records.

In Sweden, we saw the Fortum Corporation, a company that has activities in a variety of Scandinavian countries. That meeting very much persuaded us of the need for a global carbon price. They again emphasised the need for international action on this matter. Another part of our visit to Sweden was our visit to Sodertalje, a town outside Stockholm which has experienced significant Assyrian and broader Iraqi migration. It was interesting to note the huge security at the council chambers because of threats from the extreme right racist elements in Sweden. It is obviously of interest to the delegation that this council was doing significant work to make sure that there was not higher-than-average unemployment in the town. The visit to Sweden also encompassed a visit to Hammarby Sjostad, a district of Stockholm on reclaimed land. There we saw an attempt by the Stockholm authorities to make sure that it was a sustainable community. It was actually planned originally for Sweden's bid for the 2004 Olympics, which, having come to nothing, is being utilised for this purpose.

The delegation was very impressed by the activities of Sweden and Denmark in particular in relation to climate change; the degree to which they are ahead of this country with regards to renewable energy; the way in which government policies are across the political divide; and the way in which corporations in those countries see a
very real future for themselves in these alternative energies of the future.

The SPEAKER: There being no further discussion, the item has concluded.

BILLS

Livestock Export (Animal Welfare Conditions) Bill 2011
First Reading

Bill and explanatory memorandum presented by Mr Wilkie.

Mr WILKIE (Denison) (10:14): At 8.30 pm on Monday, 30 May this year, an estimated 494,000 Australians gathered in front of their television sets to watch the Four Corners episode 'A bloody business'. Half a million viewers is significantly fewer than what would normally tune into Four Corners. Apparently, a lot of people did not watch this particular episode because they had seen the promotions and knew they simply would not be able to bring themselves to watch the shocking footage.

The people who did watch that night saw exactly how Australian cattle were treated in Indonesia, as part of our supposedly world-leading live export industry. They saw our beasts beaten, their legs and tails broken, eyes gouged, heads slapped repeatedly against concrete blocks and throats hacked at with blunt knives. In other words, they were left shocked and disgusted and wanting to know how such things could happen right under the noses of Australian regulators and the industry body, the MLA.

The next morning—five months ago to the day—Australians were talking about little else. The issue dominated TV news, talkback radio, social media and the newspapers. Online news sites were flooded with comments and politicians were overwhelmed by correspondence. My office received thousands of emails in the weeks following the program. This was the public of Australia sending a very clear message to this parliament and to this government that something needed to be done, and done quickly. But when Senator Nick Xenophon and I attempted to legislate a three-year phase-out of Australia's cruel and economically counterproductive live animal export trade, the government and the opposition teamed up to defeat the proposal. And many months later the Labor caucus gutted a motion from the member for Makin which would have required the stunning of Australian livestock sent overseas for slaughter. As we know, the ALP, in a cynical endorsement of the status quo, diminished his motion to 'encourage' stunning.

It is because of this failure by the government that I now present this bill, the Livestock Export (Animal Welfare Conditions) Bill 2011. It is still my belief that Australia's live export industry should eventually be phased out. But incremental reform is better than no reform, and it is to that end that I now propose to legislate stunning before slaughter in all of Australia's live export markets.

This is not a radical proposal and it does not spell the end of Australia's live export industry. What it does promise to do is simply ensure that when we do export livestock to be slaughtered, there be at least some sensible animal welfare conditions attached—in particular that livestock are kept and transported in accordance with international animal welfare standards, and that they are slaughtered according to the same standards we expect when animals are slaughtered in Australia. These are measures supported by a large majority of the Australian community and, I might add, by many farmers, who were deeply shocked by the images they saw on Four Corners.

Now, the government and the opposition have previously argued against mandatory
stunning, and to support their position they have brought out the same two arguments, both of which are demonstrably untrue. The first is that mandatory stunning is neither feasible nor cost-effective to implement in our overseas markets. In support, a May 2010 report from Meat and Livestock Australia and LiveCorp points to 'significant impediments in Indonesia to slow the movement' towards widespread stunning of cattle before slaughter. The report concluded that 'the general adoption of stunning in the slaughter of Australian cattle in Indonesia should be an aspirational goal'.

But the reality is that the experience in Indonesia shows clearly that stunning can be rolled out across a large number of abattoirs very quickly and cheaply. Prior to the Four Corners episode going to air only five Indonesian abattoirs stunned Australian cattle prior to slaughter. But by the end of this year that number will be closer to 70, which will account for up to 90 per cent of Australian cattle slaughtered in Indonesia. In other words, over a period of less than six months 65 Indonesian abattoirs have gained or will gain a stunning capability which will allow them to slaughter Australian livestock to an Australian standard. This is a major development and one that the industry told us was impossible. So in reality, none of the 'significant impediments' the industry identified caused any real problems and Indonesian processors have got on with the job of improving animal welfare outcomes.

The second argument we hear against mandating stunning in our live export markets is that we do not require stunning here in Australia and that it would therefore be hypocritical to require it overseas. But this claim is patently untrue—a lie, in other words—because the relevant Australian standard states very clearly: Before sticking commences animals are stunned in a way that ensures the animals are unconscious and insensible to pain before sticking occurs and do not regain consciousness or sensibility before dying.

Perhaps there is confusion about the limited exceptions that exist in some circumstances in Australia under arrangements for ritual slaughter. But in these cases the Australian standard ensures:

An animal that is stuck without first being stunned and is not rendered unconscious as part of its ritual slaughter is stunned without delay after it is stuck to ensure that it is rendered unconscious.

Now, while this practice has certainly been questioned by animal welfare groups such as the RSPCA and is clearly in need of urgent revision, it does show us very clearly that it is misleading to state that we do not require animals to be stunned here in Australia. Moreover, there can simply be no argument whatsoever mounted to claim that this bill, the Livestock Export (Animal Welfare Conditions) Bill 2011, would legislate anything above and beyond what is required in Australia. This bill states very clearly that it only places a requirement that Australian livestock slaughtered overseas must be 'slaughtered in accordance with the Australian standard for the hygienic production and transportation of meat and meat products for human consumption'. Put at its simplest, there is nothing whatsoever in this bill which would require anything beyond what is required in Australia, and any claim otherwise is clearly false. The Australian people are disgusted by the horrific treatment of animals in some of Australia's live export markets. The footage we have seen time and time again shows us that if this industry is going to continue into the future then it must operate under the strictest possible controls.

I have praised the efforts of Animals Australia and the RSPCA in this place before and I wish to do so once more. Decades of
reliance on industry self-regulation have done next to nothing to improve animal welfare in our live export trade. The limited improvements we have seen can mostly be put down to the tireless advocacy of these and other animal welfare groups. This should not have to be the case. The responsibility for regulating Australia's life export industry should not be put down to a video camera, the courage of Lyn White from Animals Australia and the collective outrage of the Australian people.

From now on, we must know that animals we export will be treated humanely wherever we send them. We must have confidence they will be stunned before slaughter and slaughtered in accordance with the basic principles of animal welfare. What would we have become to allow anything else? We know that this is possible and we know that this is affordable. We know exactly what we can again expect if this does not happen. Five months ago, almost to the day, I was one of the 494,000 Australians watching Four Corners and seeing some of the most horrific and inexcusable treatment of animals imaginable. I vowed at that time to do whatever I could to do something about it. I found one image particularly moving. A black beast was standing in an Indonesian abattoir, wide-eyed and trembling, having witnessed the cattle in front of him being brutally and painfully slaughtered, clearly knowing the awful fate he was to suffer.

A lot of things must have gone wrong to allow this to happen. As elected representatives and legislators, we have a clear responsibility to genuinely ensure that these episodes are not repeated. It is to that end I commend the bill to the House.

Bill read a first time.

The SPEAKER: In accordance with standing order 41(c), the second reading will be made an order of the day for the next sitting.

Air Services (Aircraft Noise) Amendment Bill 2011
Second Reading

Mrs MOYLAN (Pearce) (10:25): I move:

That this bill be now read a second time.

I bring the Air Services (Aircraft Noise) Amendment Bill 2011 to the parliament in response to many people in the electorate of Pearce and beyond who were affected by a significant change in flights paths following the Western Australia Route Review Project. I would like to thank particularly the member for Swan for his support in seconding this bill and my many Western Australian colleagues in this place and in the Senate for their assistance.

The bill is necessary because the agency responsible for the management of Australian airspace, Airservices Australia, now a corporate entity, has unprecedented power to change air flight paths with little regard to the environmental impact and effect of noise on the lives of many Australian people. Importantly, this bill reflects recommendations from the Senate Standing Committee on Rural and Regional Affairs and Transport, and gives effect to the calls in the national aviation white paper for greater consultation with communities in regard to the impact of aircraft noise.

I acknowledge the complexities that Airservices Australia must deal with in administering flight paths and that they manage the safety issues to a high standard. However, obvious difficulties arose between residents in my electorate and other electorates in Western Australia, and Airservices when significant changes to flight paths were made in Western Australia without adequate public consultation.
Critically, Airservices Australia self-assessed the impact flight path changes would make, and the process through which complaints from affected residents were handled was severely lacking. The complaints hotline never worked effectively.

I am pleased to say that, since I started action to introduce this bill there have been some changes to the way Airservices operate. The government, during caretaker mode, did introduce an Aircraft Noise Ombudsman, which was a welcome step in the right direction. At least now the public has somewhere external to direct its complaints, unlike in the totally frustrating previous situation, when there was simply nowhere for them to go.

Changes have been made by Airservices Australia since the debacle in Perth, but it is clear that to avoid such situations in the future it is necessary to introduce changes to the act so that the public responsibilities of Airservices in regard to consultation are not simply an optional extra. In various communications since March 2009, Airservices Australia have maintained that community consultation regarding flight paths is not a primary responsibility of theirs, despite the fact they are the ones that institute flight path changes—the only organisation that can do so—and they are the only body equipped with the expertise and resources to engage in such a consultation process. The objective of this bill is to require Airservices Australia to consult and cooperate with government, commercial, industrial, consumer and other relevant bodies and organisations in the modification of existing flight paths and in the creation of new ones.

The bill calls on Airservices Australia to advise the minister responsible for the Environment Protection and Biodiversity Conservation Act 1999 when changes to airspace are likely. Following this, a community aviation advocate will be employed for the duration of the consultation process when new flight paths or changes to airspace are being implemented. This is not a new measure. It was instituted in Sydney and, as former ministers of the current government said, 'If those consultation benefits are good enough for one airport, they're good enough for the others.' A community aviation advocate is to be appointed when the minister is advised of proposed changes to airspace. The role will be to assist, inform and advocate on behalf of affected communities. Another key objective of this bill is to improve Airservices Australia's complaint reporting processes. As I said, this never worked in the past. It will involve a detailed commentary on complaints in annual reports, including the efficiency and effectiveness of the complaint process. It is integral to this bill and it is a key objective of this bill to see the complaint system work as it should.

The Board of Airservices Australia is composed entirely of aviation interests. The Senate report by the Senate Standing Committee on Regional and Rural Affairs and Transport in the previous parliament made an important observation that Airservices Australia is strongly aligned with the aviation industry. So part of this amendment follows this observation to have some independent people appointed to that board.

While I have been committed to pursuing this bill's passage through the parliament, I have been open in consultation with many groups and have listened carefully to recommendations by people in my electorate who are well informed as well as to other organisations that this bill might affect. A common misconception that has arisen while this bill has been waiting to be introduced into this House is that it will present a major
issue for airports if consultation is needed every time an airline adds a new service or changes the frequency of a service. Such a concern is unfounded. The bill targets flight paths set by Airservices Australia, not the day-to-day services provided by carriers or, indeed, their frequency. Through consultation, some concerns have also arisen with regard to definitions contained within the bill as it currently stands. These are minor issues that should not affect the overall intent of the bill and certainly, with further discussion, I am sure we will be able to come to some accommodation if necessary in looking at some amendments.

I have spoken several times previously in this place about the circumstances which led to flight path changes in Western Australia and I do not propose to revisit all of those issues—which have so negatively impacted on the electorate of Pearce and the electorates of Hasluck, Canning, Cowan and Stirling—as there is insufficient time allotted in this debate. However, my record speaking on this matter stands in this place. In short, the Western Australian Route Review Project, WARRP, followed a Civil Aviation Safety Authority, CASA, audit finding that changes were required 'to maintain safety, reduce complexity and cope with the rapid and predicted continued increase in air traffic'. The apparent clandestine nature of the processes precipitating the flight path changes, however, as well as the uncertainty and the inconsistency of the rationale for not providing the CASA report to the public, highlights some of the current flaws in the consultation process and the reason for such disquiet from within the community.

While it is understood that air travel and transport are important features of contemporary life, it is clear that a consistent and fair approach to these decisions is required. Decision making needs to be open and publicly accountable. The public have a right to be treated respectfully and an expectation to be informed of proposed and actual changes to flight paths. The fact that I have had such an overwhelming response to this bill from my parliamentary colleagues would suggest that they too are hearing from their constituencies about the problems created by aircraft noise.

Finally, while we have gone about the consultation process, I must make a point of saying that I have had meetings with the Perth airport corporation and they have made some constructive suggestions for amendments, which we are currently looking at. However, I do not believe we can return to a situation where Airservices Australia can simply self-assess. It has not worked in the past and it is unlikely to satisfy the test of public accountability in the future. I commend this bill to the House and look forward to the support of members to see its passage through this place.

Mr GEORGANAS (Hindmarsh) (10:35): I thank the member for Pearce for presenting her private member's bill on Air Services (Aircraft Noise) Amendment Bill 2011 because it gives us an opportunity to discuss the issues in this place that affect the thousands of people who live under flight paths around the country. For many years I have lived in Mile End, directly under the flight path, and have said many times in this place that I recall as a toddler running out the front with my parents to see the plane that would fly over once every two days into Adelaide—and gradually, as the years have gone by, there is now one every two minutes. So you can see how people's lives have been dramatically impacted on. Nevertheless, aircraft carriers and aircraft transport are a major part of today's life. All you have to do is look at what happened over the weekend to see how it disrupts our lives when there are no aircraft. Somewhere in the middle, governments have to find a good balance
between the importance of aircraft travel and aircraft aviation industries and the thousands of residents who live directly under flight path, like in my electorate.

Many years ago, before I was involved in politics, I chaired a group within my neighbourhood called the Adelaide Airport Action Group. This group of residents lived very close to the airport and right under the aircraft flight paths. At that point in time there was no curfew in Adelaide. There was no consultative committee, as there is today. There was no airport ombudsman. The only place we could go was to Airservices Australia. I have to say that the service they provided in informing the residents was very poor, but it has improved over the years.

In Adelaide, for example, there was no curfew. That was one of the first things that those residents directly under the flight path lobbied for. The previous member in this place—and I congratulate her—was able to get an Adelaide airport curfew in writing. We now have legislation that protects those residents in Adelaide between the hours of 11 pm and 6 am.

Those who know Adelaide airport will know that it is slightly different from many of the other airports around the country. It is situated at West Beach and is surrounded by high density housing on every single side. Flights coming into my electorate of Hindmarsh cannot be changed because they are actually landing or taking off once they hit the borders of my electorate.

We had a very similar issue in South Australia a few years ago and the flight paths were changed. They were changed in some of the outer suburbs. I can understand the member for Pearce’s anxiety on this. At the time many were concerned about the new flight paths. Even though they were outside my electorate, many people contacted me because they knew of my interest in this area.

The Adelaide Airport Consultative Committee has been going for a long time. It has been up and running for a number of years now. It has been used as a model and a showcase for other airports around the country. I was very pleased to see once the white paper came to fruition that consultative groups are to be set up in every airport constituency around the country to work through issues and these problems. When this problem happened in South Australia, we invited some of the residents from the areas that were not on that committee to talk to the consultative group. These issues and the flight paths were discussed. Everyone was informed of exactly where the changes would take place.

At that point Airservices Australia decided not to change the flight paths but then, with consultation over a period of 12 months, they implemented those changes. It is always very difficult when there are to be flight path changes. If you divert or move a flight path, another group of people will be directly under the new flight path. They will have concerns and the people who were previously under the flight path will be quite relieved. Residents who live under the flight path are always affected. It is a difficult thing. Through the consultative group I am happy to say that consultation did occur with those residents and the new flight paths have been implemented with minimal impact.

In Adelaide there were many issues that we are resolved under the Adelaide Airport Consultative Committee. Currently an environment officer attends every single meeting of the Adelaide Airport Consultative Committee. Representatives of the resident groups are also in attendance at those meetings, as am I, or one of my staff members if I am stuck here in Canberra. The
environmental issues are also thrashed out. There is good consultation. All those residents who live around the airport are informed and have a say on what takes place in and around the airport.

The curfew was a very big issue in my electorate. I was very pleased a curfew was implemented. Another avenue for complaints to be investigated is the Aircraft Noise Ombudsman. I am very pleased that this has come to fruition. The government law went through last year. I, like the member for Pearce, had a private member's bill on a complaints authority. I put that in this parliament on two occasions but it did not get through. I am very pleased that the white paper gave us the things we are talking about today, especially the Aircraft Noise Ombudsman. Many of the complaints we used to get in my office—and we used to try to investigate them individually through the minister for transport and Airservices Australia to no avail—are now being investigated by a totally independent umpire. This is very positive and very good for the constituents who live under the flight paths or around airports.

The white paper is giving us a consistent approach. The white paper gave us the airport consultation groups, the Aircraft Noise Ombudsman and, very importantly, the planning forums. When they are discussing building plans or plans for the airport, there is a planning forum with representation from the area and from the councils. This planning forum has to be consultative. Airports have been privatised around the country and have previously put up warehouses and buildings with no regard for the local government rules and laws. That has had an immediate impact on the surrounding area. Now with these planning forums they have to consult with the councils so their plans fit in with the local area. It also gives the local councils an opportunity to plan ahead because of what is happening in different airports.

As I said, the white paper covers a lot of the things that are in this bill. In fact, I think most of them are covered in the white paper. Many of the things have come to fruition through the office of the Minister for Infrastructure and Transport, Mr Albanese. He himself is very familiar with airports, having one in his electorate that is very similar to my electorate. It is extremely hard for those people who live near and around airports, but I think that the way that we are heading now and the way that we have gone in the last few years is very positive. When I look at the things that are in place today and compare them with the things that were in place when I was in the residents advocacy group more than 20 years ago, there was very little in place for residents to have their views heard, whereas today we have an airport ombudsman, we have the consultative groups with representation by residents associations and we also have planning forums—all of which came out of the minister's white paper. It is a big difference, believe me. Having been involved in these issues 20 to 25 years ago, I can actually see where we are today. Today we have far more consultation, far more advice from the residents, and we certainly are in a far better place today than we were a few years ago. (Time expired)

Mr IRONS (Swan) (10:45): I rise to support the Air Services (Aircraft Noise) Amendment Bill 2011 brought forward by the member for Pearce, and I congratulate her on all the work that she has done in Western Australia, in particular, and with Airservices Australia and the government in trying to get the recommendations of the Senate inquiry implemented. I also congratulate the member for Hindmarsh. I visited his electorate last year and he showed me the noise insulation program that he
fought hard for and that has been implemented. I also note that he said he went out and listened to the aircraft when he was a young boy. I believe that is part of the hearing problems he has these days. The member for Hindmarsh and I share membership of a committee and I just have to remember which side of him to sit on so that he can hear what I am saying. Those aircraft have had an effect on the member for Hindmarsh.

Back to a serious note, the member for Hindmarsh mentioned the white paper. It is unfortunate that the white paper is only about recommendations and the only thing that has been brought forward from it is the implementation of the ombudsman. We look forward to the member for Hindmarsh continuing to fight to make sure that those recommendations are actually implemented rather than staying as recommendations, as we have seen from the Gillard Labor government. The government is not acting on the key Senate inquiry recommendations to address aircraft noise, particularly in Perth and in my electorate of Swan.

I mentioned the member for Pearce and the work that she has done within Western Australia. I would also like to mention the member for Canning and the member for Hasluck, who have worked hard to raise awareness and who have worked with the ASA to get improved consultation with the community, and that is what this bill is about.

Before I go into the whole bill, I would like to give a bit of history about the particular issues that I have dealt with in my electorate of Swan and talk about some of the background to my becoming involved in this bill. In November 2008 the WARRP, the Western Australian Route Review Project, was implemented. That was done with minimum community consultation. The changes were made in November 2008, and that was under the auspices of the current Minister for Infrastructure and Transport, Anthony Albanese, his department and Airservices Australia. From about January 2009, residents from across the Swan electorate started contacting my office to express their confusion and their concern about the changes to the noise levels. I guess it would be the same for the member for Pearce and for the member for Canning in that they had no forewarning of the changes. A lot of people had specifically gone out and purchased property that was not within flight paths—and then, all of a sudden, they were experiencing flight incidents across their properties up to 200 times a day.

In February 2009 I decided to do an investigation in my electorate to see what the responses would be, so I put out a survey to the community to assess the extent and impact of the changes. The response from the residents was unbelievable. So many people were affected, and we would have had about a 20 per cent response rate to the surveys we put out. I think that most members in this House would understand that 20 per cent is a very good response to any survey that we put out. The expectation is usually about seven or eight per cent. Most of the responses were with regard to the lack of consultation on the flight path changes. They felt that they had not been informed and that the changes were having a direct impact on their lives and also on the values of their properties.

In July 2009 Airservices Australia requested the data that we had gained, and we also requested data from Airservices Australia on the changes in the flight paths. We confirmed to Airservices Australia all the things that the residents had been saying. The data we received from Airservices Australia showed a substantial year-on-year variation in aircraft traffic, where they had
previously been stating that there had been minimal changes. Then, in August 2009 at a special meeting at Perth Airport of the Perth Aircraft Noise Management Consultative Committee, Airservices Australia did admit that its community consultation process was flawed. But ASA and the government reject the calls to reopen the Western Australian Route Review Project. Also at that time I had been in consultation and had made some media statements, and the response from the minister was that I was playing politics. But, in looking at the history of aircraft noise and community consultation around Australia, I noticed that the member for Grayndler, the member for Griffith and the member for Lilley were very proactive when they were in opposition. So I was quite surprised to hear the minister state that I was playing politics when I knew that he was so passionate about this issue prior to his becoming part of the government.

In September 2009, we launched a campaign for insulation compensation for Perth residents. Households in Sydney got an average of approximately $60,000 per house spent on insulation, including reverse-cycle air conditioning. If it is good enough for Sydney and Adelaide, it should be good enough for Perth. There is no difference between noise from a plane taking off in Sydney and noise from a plane taking off in Perth. We also called for a review of the aircraft noise exposure forecasting system, ANEF, which has no direct relevance to noise effects across the Perth metropolitan area. It was interesting to note that that system was initially designed for land planning—not to do with anything to do with aircraft noise. The system is actually only a forecast; it does not actually take measurements. Because of that, many people believe that the system is flawed and needs a review.

In October 2009 it also emerged that during the WARRP process there had been no environmental impact assessment done on the flight path changes by the environment minister of the day, Peter Garrett. It is required under the Environment Protection and Biodiversity Conservation Act. So, again, we wrote to Mr Garrett and to Mr Albanese to seek clarification and to see if there would be anything done in regard to the environmental impact. After a six-month delay, they said that there would be no changes, the WARRP would not be reopened or changed in any way to suit the residents and nor would any noise insulation scheme be implemented.

The member for Pearce, the member for Canning and I managed to work with the Senate coalition members and get a Senate inquiry up in regard to the process of Australian Airservices consultation with communities. We found that, particularly with the Perth hearings, the venue that had initially been set aside was changed to a much smaller room, which meant that a lot of the people who made submissions from my electorate and from the electorate of Pearce were unable to come in to hear the evidence and the inquiry in process in Perth. A lot of them felt as though they had been robbed; and, again, they were not able to get their message across to Airservices Australia. So, even though there was a Senate inquiry, it was reduced to a small room and not all the people who were interested in attending could attend.

The bill that the member for Pearce has put forward is designed to ensure that this will never happen again; that the community consultation process performed by Airservices Australia will be done for the benefit of the community and will give the community plenty of time to plan and to make submissions about any proposed changes to flight path patterns.
I support the bill, because it is a means to prevent this from recurring. But we still need to address the issue for the affected local residents of Swan, Pearce and Hasluck, who are currently still having to deal with up to 200 flight experiences a day over their residences. They feel as though they need to be compensated in the same manner as the people who live near the airports in Sydney and Adelaide are compensated. I feel that the only way they are going to do this is by reviewing the ANEF system, which I will continue to fight for and continue to support—particularly with the member for Pearce—and I congratulate her again for putting this bill forward.

Mr ZAPPIA (Makin) (10:55): I welcome the opportunity to speak on the Air Services (Aircraft Noise) Amendment Bill 2011. There are two airports in the near vicinity of my electorate: Parafield Airport and the Royal Australian Air Force Base Edinburgh. Prior to coming into this place, I was a councillor and Mayor of the City of Salisbury, where both of those airports are located. So I am very familiar with the issues associated with aircraft noise, flight paths, noise exposure, forecast patterns, community consultation processes and criticisms of those processes. I therefore have a great deal of empathy for the member for Pearce's concerns and I well understand why she has introduced this bill.

Having said that, it seems to me that the need for this bill is perhaps not as relevant as it might have been some years ago—and that was a point that the member for Hindmarsh also made. It seems to me that many of the concerns arising from the member for Pearce's experience arise from matters that occurred as part of the Western Australian Route Review Project and which were begun by the Howard government. Decisions were taken during the time of the Howard government that I suspect also underlie many of the concerns of the member for Pearce.

The reality is that the bill that we are debating today fails to recognise the changes that have flowed since this government has come into office—and, in particular, changes that arise from the aviation white paper of 2009 and, subsequent to that, amendments brought into this place as part of the aviation amendment bill. I refer in particular to the two changes relating to the community aviation consultation groups that have since been established and the establishment of the independent Aircraft Noise Ombudsman. The requirements of this bill are therefore, in my view, unnecessary. They also add considerable cost to airport operations and they do so without achieving the intended objectives.

The fact is that the new consultation process that was introduced by this government is working and it is making a difference. In my electorate of Makin, Parafield Airport last year had its draft master plan rejected by the minister because he was not satisfied with the community consultation undertaken by Parafield Airport in preparing its draft master plan. In a press release at the time, the minister said:

"Today I am announcing my decision not to approve Parafield Airport's 2009 draft master plan. I am not satisfied with the community consultation undertaken by Parafield Airport in preparing its draft master plan. Parafield Airport has failed to provide the community with accurate information about current and forecast aircraft movements and they did not adequately consult with those sections of the community that will be most affected by aircraft noise as the airport grows. Parafield Airport should make sure that there is clear public information about the hours of flight training, agreed flight paths, and contact information for the public."

I think that is a clear example of where the government's new process is working and has worked. As a result of that decision, the airport was given an extended period in
which to commence the community consultation process and then to submit a fresh master plan for the minister to consider.

Much of this bill arises from the work of the inquiry by the Senate Standing Committee on Rural and Regional Affairs and Transport into the effectiveness of Airservices Australia's management of aircraft noise. I note that there were 10 recommendations from that inquiry. I also note that most of the recommendations were broadly picked up by the government, with the exception of a couple, and perhaps those are the ones that the member for Pearce is most concerned about. The first is recommendation 2, which, I understand, talks about community advocates being appointed to each airport; however, since there are 180 airports around Australia, appointing community advocates to each of them would be a very costly exercise. The second is recommendation 7, which also talks about disputes between interested parties in the community and so on. If recommendation 7 were to be adopted by the government, there is no doubt in my mind—and I say this as someone who was caught up in disputes time and time again—that the door would be opened to continuous legal disputes between residents groups, industries and airport operators and that you would probably never get anything achieved because the matters would constantly be referred to the courts and drag on and on.

The processes that we adopt certainly need to be fair and thorough, but they should also be practicable and place realistic and sensible demands on airport operators. If they become unworkable, nobody benefits. As Mayor of Salisbury, I was caught up in many disputes over airports. At the time, we set up what we referred to as the Parafield Airport Consultative Committee. It included not only airport operators and the industries that were located on the airport but also just about every significant department of government at federal, state and local government level. There was also provision for the local community to be represented on the committee. Through the committee, matters were debated, discussed and—generally—resolved. They were not always resolved to the satisfaction of everybody, but they were resolved in a fair and reasonable way. I suspect that most airports could do the same if they wanted to set up similar committees, because it is not out of the question for them to do so. The reality, however, is that ultimately the decision about changing operations at airports has to be approved by the minister. As I pointed out earlier, this new government has shown that it is prepared to be quite strong and at the same time reasonable about what it considers to be appropriate changes to land use on airports.

I have also had experience in dealing with the changing flight path patterns of airports. This issue was very difficult to deal with. Flight path patterns change, and, if they do change, the noise emissions forecasts also change. As a result of that, you have to carefully manage the land use around airports. I recall that we had to go through a process whereby we had not only to negotiate with the airports concerned—and one of the airports concerned was the Royal Australian Air Force base at Edinburgh—but also to issue appropriate notices to the surrounding residents, advising them of the noise they might be exposed to if they chose to build and live within the area that would have been under the flight paths. The issue of the Royal Australian Air Force base at Edinburgh is interesting because the base does not operate under the same regulations as do the general aviation airports such as that at Parafield; nevertheless, the concerns that arise are exactly the same.
this year, I raised with the Minister for Defence Materiel a concern that was brought to my attention about the current process that the Edinburgh air base is going through in changing its flight paths and the impact that that is having on land use in and around the RAAF base. While I can understand the reason that the member for Pearce has brought this bill into the parliament, given the changes that have taken place in the last couple of years, I believe it is no longer necessary.

I referred earlier to the Parafield Airport Consultative Committee. Only today, Phil Baker, who is Managing Director of Adelaide Airport Ltd, which also manages Parafield Airport, retires after having been in the position since 1998. I take this opportunity to compliment Phil on work he has done since 1998. In my discussions and negotiations with him during his time in the position, I always found him to be fair and reasonable in his negotiations and dealings. While he had a responsibility to look after the airport, he did it in a fair and reasonable way. I wish him, his wife, Sarah, and their three kids all the best in his retirement.

Mr ALEXANDER (Bennelong) (11:05): I rise to speak on the Air Services (Aircraft Noise) Amendment Bill and to congratulate my coalition colleagues the members for Pearce and Swan for their efforts drafting this bill and for raising the serious issues within it. There are many elements to this bill that deserve discussion in this place and, with the likelihood of there being further amendments, I look forward to the opportunity to address each of these issues at a future stage. In the limited time available today, I will focus on the impact of aircraft noise on the people of Bennelong and on how this bill will improve processes and opportunities available to my constituents to redress this issue.

The Bennelong electorate is notorious for the 'Bennelong funnel', a passageway in the air that cuts straight through the region and serves as a flight path for a large percentage of planes descending into Sydney airport. The 'Bennelong funnel' results from the electorate's position due north of the major north-south runway. My neighbours living in East Ryde, North Ryde and Gladesville as well as those in Carlingford, Dundas Valley and Ermington are all too familiar with their automatic 6 am alert that Sydney airport's curfew is over. One of the key ingredients used by Airservices Australia in the analysis and administration of noise abatement issues is the information received from noise monitoring terminals. Despite our region's name being synonymous with flight paths and aircraft noise, there is not a single noise monitoring terminal located in the entire electorate of Bennelong. My representative on the Sydney Airport Community Forum has made clear my request and expectation that this apparent oversight is resolved at the earliest opportunity.

This private member's bill seeks to implement some of the recommendations made by the Senate Standing Committee on Rural and Regional Affairs and Transport following their inquiry into the effectiveness of Airservices Australia's management of aircraft noise. The Gillard government took more than half a year to respond to this inquiry and then finally supported only three of the 10 recommendations, with only one having been implemented. Central to this bill is the requirement for Airservices Australia to advise the minister for environment when new flight paths or changes are likely to impact on residents. The current legislation only requires this consultation when the changes are significant—a subjective determination that Airservices Australia has never made in relation to Sydney airport. As the member for Bennelong, I can assure
Airservices Australia that many of my constituents will have strong views on whether the impact from unannounced flight path changes are significant and deserve consultation.

This bill will require an improvement to complaints management, a process about which many of my constituents have made their frustration very clear. The bill will also lead to the appointment of a community aviation advocate to complement the role of the Aircraft Noise Ombudsman in acting on behalf of communities like those in Bennelong.

Modern technological progress presents today's air traffic controllers with opportunities to prioritise noise abatement over residential areas as their second highest imperative after safety. This kind of progress led to the Howard government's implementation of the long-term operating plan for noise abatement and flight path management at Sydney airport. This world's best practice system set noise sharing targets and included concepts of respite, reduction, redistribution and reciprocity of aircraft noise over residential areas.

It remains a grave concern to many of my constituents and me that the implementation of performance based navigation at Sydney airport will lead to a concentration of aircraft into a single 40-metre path right through the heart of Bennelong. This would be in direct contradiction to the long-term operating plan and would be devastating to those unlucky souls living underneath. A strong community engagement regime such as the community aviation advocate position created by this bill is essential to ensure community interests are safeguarded and that this kind of system is not considered without appropriate consultation.

There exists a solid background to the perception that Airservices Australia is not fulfilling its duty to the standards expected by the community or listed in their ministerial direction, leading to a low level of public confidence in this important institution. This bill will improve Airservices Australia's levels of public accountability and will provide for a consistency in the approach to flight path changes and consultation with affected residents. As the representative for those communities living under the infamous Bennelong funnel, I commend this—(Time expired)

Ms SMYTH (La Trobe) (11:11): I am pleased to be able to speak in this debate, not least to be able to correct some of the misapprehensions which have been put forward in remarks from members of the opposition in today's debate. I know that there are a great many people around this place who have advocated for their communities in relation to aircraft noise and the amenity issues which arise as a result of that. It was in part for that reason but for a variety of others that the government embarked on the process of bringing about the national aviation policy white paper in December 2009.

In terms of the misapprehensions that I mentioned before, much has been made of the recommendations arising from that report. It is simply not true to say that there have been only a few recommendations arising under the report that have been reflected on, implemented or are in the process of being implemented because, of the 134 initiatives which are contemplated in the white paper, almost every single one has either been implemented or is under way.

There are a range of things that the white paper has brought about—and it was a fairly comprehensive document addressing the future of Australia's aviation strategy. It is particularly important to note how comprehensive that paper has been because
we regularly hear from those opposite about the consequences of overregulation and the lack of necessity for regulation. Yet here today there are quite clear instances where matters which are already incorporated into legislation on our books are being reviewed and reflected upon and put forward in what is really quite a clumsy and fairly legally ambiguous piece of proposed legislation, the consequences of which in some instances may be potentially adverse environmental, safety or efficiency outcomes for Australian air traffic services. I will turn to each of those instances of deficiency in the draft legislation shortly.

This government has a very proud record in relation to dealing with the issue of aircraft noise. It was a result of this government's actions and the development of the national aviation policy white paper that we now have community aviation consultation groups at each of the 19 federally leased airports. I know that at least two of the members of the opposition have attended those community aviation consultation groups—those being the member for McPherson, who has attended the Gold Coast group, and the member for Herbert, who has attended the Townsville group. Presumably, those members of the opposition regard these groups as perfectly functional and useful mechanisms for addressing issues of aircraft noise on behalf of their respective communities.

We have also heard that the government has established the Aircraft Noise Ombudsman under the white paper and that planning coordination forums for airports, councils and state governments have been established to manage better outcomes. So a variety of things have been addressed through the white paper. Those are simply a few of the initiatives which have been generated by this government. Turning now the deficiencies in the bill before us, I expect that my colleague the member for Hunter, who will speak next, will address some of the issues that I am unable to get to in the time remaining to me. For instance, the bill proposes to incorporate reference to residential areas in the definitions, in addition to the existing references to the environment. It fails, it seems, to note that the definition of environment in the Environment Protection and Biodiversity Conservation Act already contemplates the qualities and the characteristics of locations, places and areas. Airservices, in managing environmental effects, having regard to the provisions of the EPBC Act, has long considered the environment to include residential areas and communities. So it seems curious that the bill seeks to legislate something which is already dealt with.

The second amendment that I would like to address relates to the proposed section 160A, which contemplates that the minister should appoint and, indeed, fund a community aviation advocate to represent the affected parts of the community during the consultations. But we know that the community is already represented by the community aviation consultation groups that I mentioned earlier—an initiative of the white paper established by this government and which operates as a mechanism for community consideration. Unfortunately, Mr Deputy Speaker, it appears that my time has expired, so I will leave it to the next government member.

The DEPUTY SPEAKER (Hon. BC Scott): It has indeed.

Mr RANDALL (Canning) (11:16): I thank the member opposite for referring to me as the next government member—I suppose she is Nostradamus. The Air Services (Aircraft Noise) Amendment Bill 2011 is designed to amend the Air Services Act 1995. Before I continue, I congratulate
the member for Pearce. This bill would not be before this House were it not for her active role in bringing this matter to the parliament. The Senate conducted an inquiry into the matter.

This action was taken because of the arrogant nature and activities of Airservices Australia, who in 2008 decided to change the flight paths in and around Perth airport in what was described as the Western Australian Route Review Project. The amazing thing was that they changed the flight paths without any consultation. When the local residents suddenly found that they had aircraft belting above their houses at five-minute intervals, Airservices Australia said to them, 'Go and see your local member about it.' We local members had never been told. In fact, Airservices verballed us incredibly by saying, 'It's your member of parliament's responsibility to explain to you what is going on.' We had never been briefed. Suddenly we were being fitted up with something that Airservices Australia decided they would do off their own bat without any consultation, and then they handballed the issue to us. Members like me, the member for Pearce and the member for Swan found ourselves trying to clean up the mess that Airservices had created.

This bill includes a number of things. There will be mandatory consultation between government, industry and community, which will be documented and properly explained. Airservices must advise the government when changes to airspace are going to be made. A detailed commentary on complaints will be made in annual reports, including the efficiency and effectiveness of the complaint process. A community aviation advocate will be appointed, which will assist, inform and advocate on behalf of affected communities to the government.

The member for La Trobe talked about the community aviation and consultation groups. Dare I say again, having been a member of local government authorities and a representative on these sorts of boards: they are totally ignored—and let us hope it does not happen in this case. The utter hypocrisy in this whole debate is the fact that, when these issues were brought to the attention of the Minister for Infrastructure and Transport, the member for Grayndler, he essentially dismissed them. Yet, before he became the minister in 2007, he never stopped screaming in this place about aircraft noise and how it was affecting his electorate. Before the Howard government took over the issue, he was instrumental in bringing about what was called the Bennelong funnel, which funnelled aircraft over the electorate of the former Prime Minister John Howard. The cynicism of the minister for transport in his reaction to these issues just shows you how self-centred he was. The government had insulation and double-glazing programs for houses. Yet, when we called for action for the affected houses around the airport in the electorates of the member for Pearce and the member for Swan, the government totally dismissed us out of hand.

It was not until the member for Pearce, along with concerned members of the coalition, stressed the need for an inquiry, which the Senate undertook, led by Senator Back, that we finally got some action and got the arrogant Airservices Australia to start listening to the complaints of the people. This bill is the result. My only concern is that the marvellous objectives of this bill will be treated with the same contempt as the minister has treated every body else's complaints so far. He is only interested in himself and the Labor electorates around Kingsford Smith airport; he is not interested in anyone else anywhere in Australia.
I will give you an example. In my electorate is a lady called Pat Martin, in Carradine Road, Bedfordale. Ms Martin claims that on 29 June this year more than 130 aircraft flew over her house—one every four minutes for 12 hours or so. She continually contacts Airservices Australia's complaints hotline and gets a nice little pat on the head for having done so, but nothing changes; they continue to funnel aircraft over Pat Martin's house. She bought her property intending to turn it into a bed and breakfast retreat in the hills, but no-one wants to go and stay there. I have sat on her veranda, seeing the planes go straight over the top of the house. (Time expired)

Mr FITZGIBBON (Hunter—Chief Government Whip) (11:21): I was ready to say that I very reluctantly rise to oppose this, the Air Services (Aircraft Noise) Amendment Bill 2011. I know the member for Pearce well and I know she would have introduced this with great conviction and, from her perspective, for all of the right reasons. Therefore, I am disappointed that the member for Canning chose to be so political about an issue which is of concern to all of us and on which, really, we are debating only minor differences in the way we believe these issues should be approached.

I am sympathetic to the countless families who are adversely affected by aircraft noise. However, this bill will do little to ease this impact and does not take into account changes which have been made in this area since the Labor government came to office—changes that the member for Canning unfortunately chose to ignore; either that or he is ignorant of them.

The bill would require Airservices to consult with communities on any changes to flight paths which would result in any impact on the environment or an individual's enjoyment of their place of residence. It would also require the minister to appoint and fund a community aviation advocate to represent the affected parts of the community during the consultations. What the bill does not take into account is that Airservices is already required to undertake an environmental impact study before making significant changes. Airservices also participates in the community aviation consultation groups, an initiative of the government's aviation white paper.

In May this year, Minister Albanese issued a strategic direction to the Airservices board under section 17 of the act, which requires that Airservices effectively consult with the community on any significant developments or changes to its services. If this bill were passed, Airservices would be required to consult on any change to airspace management, irrespective of how insignificant it was or whether it was on safety grounds. This would result in a significant drain on resources and would impact on Airservices' ability to operate safely and efficiently. I point out that the government's community aviation consultation groups already assist, inform and advocate on behalf of affected communities, the role which this bill would assign to the community aviation advocate.

Surprisingly, this bill makes no mention whatsoever of the Aircraft Noise Ombudsman. In September last year, Mr Ron Brent commenced his appointment as Aircraft Noise Ombudsman. A core function of the ombudsman is to monitor and report on the effectiveness of Airservices' community consultation processes on aircraft noise related issues as well as the handling of noise complaints by Airservices.

Another significant amendment which this bill would make is a requirement that Airservices provide detailed commentary on
complaints made in relation to its conduct, including handling of complaints. Airservices already reports on noise complaints and matters relating to the Commonwealth Ombudsman in its annual report. In terms of future noise complaints reporting, the Airservices annual report will include the independent Aircraft Noise Ombudsman's annual report.

The bill would insert in the Airservices corporate plan the need to minimise the impact of aircraft operations on the environment and residential areas. The Air Services Act already requires that the board must consider the Commonwealth government objectives and policies in preparing the corporate plan, including the minister's strategic direction to the Airservices board under section 17 of the act, requiring Airservices to effectively consult with the community on any significant developments or changes to its services. The establishment of airport planning coordination forums, another initiative of the white paper, will help improve planning consistency between airport land and that beyond their perimeters. The government has also made changes to the Airports Act 1996 which require new work at airports with a significant community impact to undertake a major development plan.

Over the past three years, the government has taken many steps to abate the impact of aircraft noise and to better consult with affected communities around airports. The bill does not enhance the current legislation but has the potential to adversely affect the safety, environment and efficiency of Australian aircraft services. Further, the bill fails to recognise the improvements which have flowed from the aviation white paper, including the establishment of community aviation consultation groups at our major federal airports and the appointment of the dedicated Aircraft Noise Ombudsman. In these circumstances I am unable to support the member for Pearce's private member's bill, but, again, I state that I know she is very genuine in her motivation in putting it forward and is putting it forward with great conviction. To recap, I believe that many of the issues she is trying to overcome are being adequately addressed by the current minister through his aviation white paper and the initiatives he has taken until now. (Time expired)

Debate adjourned.

PRIVATE MEMBERS' BUSINESS

Victorian Certificate of Applied Learning

Ms SMYTH (La Trobe) (11:26): I move:

That this House:

(1) recognises the value of the Victorian Certificate of Applied Learning (VCAL) in providing young Australians with work experience and literacy and numeracy skills which in turn prepare them for further training and employment; and

(2) considers that the decision of the Victorian Government to cut VCAL funding will particularly harm disadvantaged and disengaged students who are encouraged by VCAL to remain in education and to benefit from practical education and training.

As a local MP I have had the pleasure of working with schools in my electorate to promote education. I come from a family of educators and I have benefited greatly from my own education. I have seen firsthand how important training pathways are for young people in our community. That is why I was proud when the Victorian Certificate of Applied Learning was introduced by Labor in Victoria in 2002. The legacy of that decision is that today there are over 430 secondary schools, TAFEs and other training organisations which deliver VCAL to more than 20,000 students. VCAL aims to improve student retention. It is a Labor
initiative which is particularly aimed at students who might go on to TAFE or an apprenticeship.

Mr Paul Desmond, Principal at St Francis Xavier in Beaconsfield in my electorate, has said:

We're in our fourth year of VCAL and young men and women are finding it a great pathway into their career futures …

At a time when we are trying to respond to the national skills shortage and skill up more young people, VCAL is critical, so it is absolutely shameful that the Victorian government has decided to cut $48 million from VCAL coordinators. The cut to funding will kick in from the start of 2012. It just shows how totally out of touch the Victorian government is when it comes to education. These funding cuts will directly affect the coordination of VCAL programs. At the moment VCAL coordinators do things like develop curriculum and assessment materials and build partnerships with local learning and employment networks and with other organisations, but the Victorian government does not think that is important. Indeed, in the Melbourne Age on 9 September 2011, the Victorian skills minister is reported to have stated that funding to VCAL coordinators was no longer needed. He said that the number of VCAL students had 'plateaued'. Interestingly, the 2009-10 annual report of the Victorian Curriculum and Assessment Authority notes something slightly different. They said:

What is remarkable is the striking and steady growth in VCAL programs since their inception five years ago; clearly a major need has been identified and continues to grow.

The Victorian skills minister thinks that VCAL demand has plateaued and yet the Victorian government's own agencies recognise ongoing and growing demand for VCAL. This is absolutely extraordinary. The federal government has made a point of trying to encourage young people to stay in education longer. We are trying to ensure they get the skills they need to enter the workforce or go on to further education and training. We have provided around $470 million to assist Victorian students in skills development. We are providing around $135 million for youth transition and around $238 million for trade training centres. We have also increased support for families with teenagers by around $160 per fortnight from 1 January 2012 so as to encourage 16- to 19-year-olds to stay in school or vocational education. So in January 2012, we are giving financial support to families to encourage teenagers to stay in school and training. But what are the coalition government in Victoria doing in January? They are cutting funding to exactly the programs that Labor in Victoria set up in 2002 to keep kids at school and in training longer.

The schools and institutions affected in my area include Berwick Secondary College, Boronia Heights College, Emerald Secondary College, Kambrya College, Mater Christi College, St Francis Xavier Beaconsfield, St Joseph's Regional College Ferntree Gully and Upwey High School. Apart from listening to local representatives like me, I think it is important that this place listen to the voices of the young students who are affected by these decisions. Here is what Candice Thomys, a student from Narre Warren South College, had to say about the cuts:

VCAL is like a second opportunity at an education for students who do not feel they can do VCE. This is our future. I think the government really needs to rethink its decision.

Let us also hear from some principals and teachers who have made known their views on the cuts to VCAL. Michael Muscat, principal of Kambrya College at Berwick in my electorate, said:
We need to keep these students at school but these cuts are diminishing the way we do that effectively. Unless we offer meaningful quality programs these kids will walk. We are taking funding from kids who most need it in the education system.

Speaking about the VCAL cuts, Mr Gary Keet, VCAL director at St Francis Xavier in Berwick, said:

It's going to make it difficult for us to go out to visit students when they're on their jobs.

So why is the Victorian government messing with a successful program and breaking something that Labor had fixed?

**Dr Stone** (Murray) (11:32): The motion put by the member for La Trobe refers to a valuable alternative program to years 11 and 12 offered in the final years of Victorian secondary schooling. The member said that VCAL funds have been cut, but that is quite simply misinformation. In reality, there is no reduction to actual student funding for the Victorian Certificate of Applied Learning, commonly called VCAL.

In fact, the student resource package which funds each student undertaking, among other things, the VCAL program, increased by 8.5 per cent in 2010. So what is going on? I would suggest that this Labor government is scrambling to find anything it can to say about education to cover up some of its most appalling funding cuts across the nation, let alone what they were doing state by state when in government in places like Victoria.

I will go to some of those cuts in a moment, but let me stress that the eight-year-old VCAL was reviewed in April 2011. VCAL coordinators and financial officers were surveyed as part of the review, which was undertaken by the University of Melbourne as an independent and expert institution. What they found was that eight years on from the establishment of VCAL, these so-called establishment grants were redundant. In fact the moneys were being used for a whole range of other activities—for example, for travel and for buying equipment or clothing for students, including things like boots, aprons and hairdressing equipment. There was some part-time coordination. All of these are quite useful and worthy causes, but they are not uses for which the funding was originally intended. So some eight years on, these establishment grants were redundant.

We need instead to look quite carefully at funds for the continuity of other important programs like the Victorian Certificate of Applied Education. One of the serious problems that Labor left for the Victorian coalition government was year 11-12 programs with only one year's funding, year by year, giving schools no sense of how they could invest in those programs. One of the most important things the coalition government in Victoria has done is give ongoing funding to some of these most significant causes—for example, the Victorian Vocational Education and Training program in schools. This program was literally lurching from one year to the next under Labor but now has ongoing funding with an injection of $32 million from the Victorian coalition government.

When students consider the VCAL course, they are encouraged to take it if they need work-related experience or extra literacy or numeracy support. I keep asking myself and others why it is that we can have so many students getting to years 11 and 12—that means they have been in school for at least 12 years—with inadequate literacy and numeracy. These various courses are somewhat like 'parking an ambulance at the bottom of the cliff'. I strongly recommend that the federal government and all of our state governments look closely at the years of schooling our students are undertaking only to arrive in their final years with inadequate literacy and numeracy, without
work-ready skills and without the confidence or competency to take up apprenticeships or other vocational education and training or, indeed, employment opportunities.

This is a serious problem that Australians now face. I am so pleased we at last have a coalition government in Victoria that is addressing these issues and not simply lurching from one year's funding to the next, as the Brumby and Bracks governments did in relation to, for example, the Victorian Vocational Education and Training programs. I am concerned that this government is trying to deflect from problems like the living away from home allowance debacle. Let me tell you that, in Echuca, only half the number of students who usually apply to go to university have done so this year. That is because, with Labor's backflip, they still do not trust that their living away from home allowance is really going to come through. This is a legacy we have of a Labor government nationally, but also the legacies we now have in states like Victoria which suffered under Labor for so many years. I want to commend the coalition government of Victoria for looking closely at where the funds do go—for not simply parking ambulances at the bottom of cliffs—and for being comprehensive and systematic in saying, 'Where should funds be put,' and applying those funds appropriately. (Time expired)

The DEPUTY SPEAKER (Mr S Sidebottom): Is the motion seconded?

Mr CHEESEMAN (Corangamite) (11:37): I second the motion. Today I rise to hold the Baillieu government to account for their outrageous $48 million cut to the VCAL program. The VCAL program was established in 2002 to provide an alternative pathway for young Victorian students who wanted to continue in education but wanted to pursue an education that was better fitting their needs and their desires to go to TAFE to pursue a career and an apprenticeship. This $48 million cut will lead to VCAL coordinators, the mechanism for providing support for students in this sector, across the state being substantially reduced.

VCAL has played a very large part in training Victorian students, particularly those that wish to pursue an apprenticeship as a part of their vocational education opportunities. The Gillard government has recognised the importance of providing alternative pathways, particularly through record investment in our very innovative Trade Training Centres in Schools Program, which has led to trades training centres being funded across Victoria to help support young students who wish to this gain an opportunity in a trades related area. Indeed, in my own electorate we have provided some $5.5 million for the Coolac cluster of schools to help support those particular students, providing an opportunity for students that has not been there before.

I listened intently to the member for Murray's contribution and wish to point out that under Labor's trades training centres millions of dollars have been provided to schools within her electorate under this very innovative program. I note that the member for Wannon has also now entered the chamber. Labor has provided record investment across a number of sites to help students in the Wannon electorate access trades training.

This outrageous attack by the Baillieu government on the VCAL program will deny many Victorian students the opportunities that trades training centres and programs like VCAL provide. I want to place on the record that Australia does have a skills deficit. The VCAL program and the trades training program are critical for helping Victoria meet its training needs into the future.
However, I am not surprised that the Baillieu government has slashed funding to this program—a program that has provided millions of dollars of assistance across southwest Victoria to help support students in their desires to pursue a vocational style career.

Labor federally and at a state level has a very proud record of providing educational opportunities for all students, whether they be students who wish to pursue a university career or, indeed, whether they be students who wish to explore a trades career. VCAL and Labor's trades training programs are critical in supporting them. I call on the Baillieu government to stop spinning and actually get out there and help support young students across Victoria in trades training. We have a skills shortage in our state and in many other parts of Australia. The VCAL program, working in conjunction with Labor's trades training agenda, is critical in providing all students every opportunity in school and then later on into a career.

Mr TEHAN (Wannon) (11:37): I rise today a little perplexed, a little confused. I just cannot understand why in this House we are debating this motion on the Victorian Certificate of Applied Learning. I could understand if they were doing it in the Victorian parliament, because that is where it belongs. It would seem there are two reasons we are here today. The first is that the federal Labor government thinks that the Leader of the Opposition in Victoria is an embarrassment. They obviously have no confidence in Daniel Andrews. They think he cannot do his job, so they have had to come up here and try to do it for him.

This comes after 11 years of state Labor government. They governed under some of the best economic conditions that the state has known and they have left a legacy of waste, mismanagement and failure. I have not heard from the other side any mention from state Labor's rule of Myki, the desal plant, the regional rail link—all monuments to incompetence and failure of state Labor. There has been no mention of that. In education Labor left a giant black hole with no money for cleaning, utilities or maintenance in BER buildings and no provision to demolish resulting unwanted buildings. Is this why Daniel Andrews will not debate this in the state parliament? Is this why he has sent it up here to the federal parliament?

When the Baillieu government came to power they found basic services in education with no ongoing funding. I hope we will hear that mentioned. The program for students with disabilities had no growth factored in. Vocational education and training in schools was a lapsing program. I hope we will go into all this detail, because obviously Mr Andrews cannot do it for himself in the state parliament. If that is not enough, I hope we will be able to mention, at some stage, federal Labor's carbon tax and that costs will rise for every essential service, including education in the Victorian system.

It might not be that federal Labor is embarrassed here about Daniel Andrews and think they have to do the job for him; it might be that they are embarrassed about their own performance federally when it comes to education and therefore have decided to create a big smokescreen so that they can try and take the eyes of the Australian public off the complete failure which is the federal education policy that we see in all areas.

I am happy to go into a lot of detail. When it comes to independent youth allowance, we have seen an embarrassing backdown—sadly, two years too late, because it has left a two-year cohort of regional students who are going to miss out on vital funding so that
they can get access to a tertiary education. The Victorian government have embarrassed the federal government when it comes to early childhood learning, and I think this is where this motion comes from. We have the universal access policy, which is causing so many problems. We saw last week that the first three-year-old kinder program was going to be closed down as a result of the federal government's policy. And we are hearing all the time about four-year-old kindergartens being under pressure, especially in regional and rural areas.

We have also seen the federal government rip money out of occasional care, which is causing an occasional-care crisis, especially in Victoria. This is also where, I think, this motion comes from: federal Labor are embarrassed about what they are doing to early childhood learning in Victoria. Then there is the quality assurance framework and how it is putting child-care fees up, especially in Victoria. These are the three areas in early childhood learning that we have heard nothing about.

I could then go on to Australian technical colleges. What did federal Labor do to Australian technology colleges? I had two fantastic technical colleges in Hamilton and Warrnambool. The government gutted the funding to them and they are still not providing proper funding for those technical colleges.

So I think this motion is as a result of the second reason: federal Labor are embarrassed by what they are doing in the education sphere. They have put this motion up to try and throw a smokescreen at the Baillieu government. Face up to your own policies and try and defend them rather than picking on a state government.

The DEPUTY SPEAKER (Mr S Sidebottom): I just remind members that it is not my decision; it is a decision by government. So please speak through the chair.

Mr MITCHELL (McEwen) (11:47): Didn't that five minutes of diatribe show how embarrassed the member for Wannon is? He is out there trying to defend his mates who have cut $472 million out of education. As he scurries like a rodent from the chamber, he should learn and remember that this government delivered the most amount of funding for education—

Mrs Bronwyn Bishop: I rise on a point of order. I ask that that offensive term be withdrawn.

The DEPUTY SPEAKER: I do not think that was necessary. If you do not mind, apologise, thanks.

Mr MITCHELL: I will happily withdraw for you, Mr Deputy Speaker.

The DEPUTY SPEAKER: Thank you.

Mr MITCHELL: There can be nothing more important than giving our kids education and skills to give them the best opportunities in life and providing the best pathways and choices for kids. That is why it came as a shock to many schools right across Victoria that the heartless and incompetent Baillieu government have savaged our kids' futures by slashing $48 million from the VCAL program.

While the Victorian Liberal government is slashing $48 million in education and training support for young people, the Gillard federal Labor government is investing a record $472 million to help Victorian school students get the skills they need. The Liberal government needs urgently to reconsider its decision to cut funding to the VCAL coordinators' program. These cuts will directly affect some of our most vulnerable young people. When students leave school, they need to possess the skills necessary to meet the workplace
demands of a modern vibrant economy. These cuts will seriously put at risk young people's ability to gain these skills, reducing their access to practical, hands-on, work-related experiences and learning programs tailored to their individual needs.

VCAL is a more hands-on vocational certificate, generally taken up by students moving to vocational education and training. These students are our tradesmen and so forth for the future. We know that VCAL is more flexible and adaptable for students needs than VCE, and it can bring together a range of different modules that can be adapted to suit students.

Our government, the Gillard government, is committed to providing young people with the option to pursue high-quality, industry-standard training while they complete high school. This not only helps to build a skilled and productive workforce but also encourages young people who may not to go on to university to stay at school and finish their education. We have invested some $238 million in 40 trade training centres in schools across the state, as well as another 135 million under the National Partnership on Youth Attainment and Transitions.

We are investing $2.5 billion over 10 years to enable every high school student in Australia to have access to a trade training centre. Three years into this program we have already funded more than a third of schools—that is $1.03 billion in 288 projects benefiting over 900 schools. Thirteen schools in McEwen are benefiting from the Australian government's Trade Training Centres in Schools Program. Let's compare that to the last Liberal federal government, who delivered three. They delivered three across their 11 years.

We have, in Yarra Valley, the polytechnic TTC. The Yarra Valley Polytechnic Trade Training Centre is receiving some $3.6 million from this government. The lead school is Healesville High School and the two cluster schools are Upper Yarra Secondary College and Worawa Aboriginal College.

We also have the Central Ranges TTC. It is a huge investment in a regional area that was affected by bushfires but neglected by the state Liberal government and the former federal government. The schools in the Central Ranges TTC cluster have received $11.3 million from the Gillard government. The schools in McEwen that are part of the TTC are lead school Broadford Secondary College and cluster schools Alexandra Secondary College, Assumption College, Seymour P-12 College, St Mary's College, Wallan Secondary College, Whittlesea Secondary and Yea High School. There is also Euroa Secondary College, which is in the electorate of Indi. We also have the Lakes South Morang P-9 School, which is part of the Peter Lalor Trade Training Centre and is shared across electorates of McEwen, Scullin and Batman.

Mr Deputy Speaker, I know you are aware that young people in rural and regional Victoria face particular issues making the transition from school to further education, training or employment. They have more limited access to a range of education, training and employment positions by virtue of having smaller and fewer schools and local training providers, limited public transport, and reduced family income. That results in fewer employment opportunities.

Currently, in the region of Hume, 65.2 per cent of rural and regional students complete year 12, which is 17 per cent lower than the statewide average. So you would have to ask: why would the Victorian Liberal government cut VCAL? VCAL is an opportunity for Victorian kids to lift that state average and give them every
opportunity. Both I and the Liberal member for Seymour attended the Central Ranges LLEN launch of the Hume Regional Youth Commitment. One has to wonder: does the Liberal member understand the importance of this project? Has she actually got a clue? This cut is probably the cruelest cut of all because it is a cut to our future generations' opportunities, and there is no worse thing you can do to your kids than cut their educational opportunities. It is an absolutely disgrace that they would say: 'Oh, you don't need coordinators; kids can find any job they want. They don't need help or assistance. You don't need to make sure that they get the opportunity to go to each company and get the education that will set them up for the future.' It is a joke and an embarrassment, and the Victorian Liberal government should be condemned for their actions. (Time expired)

Mr FORREST (Mallee) (11:54): Like the member for Murray and the member for Wanham, I am confused as to why this parliament is taking the time to debate an issue that is entirely within the jurisdiction of the state parliament of Victoria. Nevertheless, it does provide an opportunity for us to put on the record our commitment to the Victorian Certificate of Applied Learning. It is a tremendous program. It gives the opportunity for young people who are not necessarily academically qualified to pursue an academic tertiary career but want to use their hands or get on with pragmatic and practical learning on the job.

Just recently in Sea Lake, the national banks made a major commitment to the Sea Lake Secondary College to enhance the opportunity for, particularly, young males to experience applied learning with regard to agriculture and machinery. This is not a discussion about the benefits of VCAL but a political opportunity for the federal Labor Party to divert interest from its own shortcomings as a government.

The Victorian government have made very strong commitments to VCAL. The problem they have is in response to a review of VCAL coordination funding which was tabled in April this year. That report itself raises questions about the funding of the coordination. It makes the point that VCE and other tertiary programs do not have a funded coordinator in place, and, on the basis of equity, it makes a strong point. The Victorian government have simply responded. They have not withdrawn funding from VCAL at all, as members on the other side have been asserting. The report I refer to, which is from April 2011, makes a statement that one of the striking aspects of the study involved documentation of a very imperfect relationship between coordination funding and reported allocations to the coordination role at a school level. The real objective is to make sure the funds get to the coalface, to the direct benefit of the students at the coalface.

It is interesting to confirm that funding has increased by 8.5 per cent since the introduction of the Baillieu-Ryan coalition government, and enrolment is expected to continue from 2011 to 2012. So the government is quite aware of this but it wants to make funding go more directly to the coalface, to the students, to make sure they benefit directly.

I think that the member for La Trobe and other Victorian federal members sitting on the government benches have created a diversion from their own inadequacies, not just in regard to education but across the board. The ineptness of the government with their focus on excessive, unabated borrowings and unaccountable spending has raised the problem of how to raise the money to fund such an outrageous program. Their
answer to that is a tax. They tax, borrow and spend. That is the Labor formula, it seems, and that is what the Baillieu-Ryan government in Victoria has inherited, a basket case of mismanaged programs.

I will mention just a few of those programs: the desalination plant down at Wonthaggi; Myki, with billions of dollars sunk into programs that did not provide a benefit; and the north-south pipeline, transporting my constituents' water to service Melbourne, with billions of dollars wasted on something not even needed. It just seems that the Baillieu government has inherited what coalition governments inherit all over the place. It will be a challenge confronting our side of the chamber, when we resume responsibility of the Treasury benches after the mob over there have finished, to find a way for every dollar to get spent wisely and properly for the benefit of the recipients of those programs. This list is a classic example of a government that wants to make sure that the millions of dollars that it makes available for education get spent properly and adequately and that the people at the end of the chain benefit. I do not support this motion at all; I think it is a red herring and the government members on the other side should focus on their own inadequacies.

Debate adjourned.

BILLS

Business Names Registration
(Transitional and Consequential Provisions) Bill 2011
Business Names Registration (Fees) Bill 2011
Returned from Senate

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

National Vocational Education and Training Regulator Amendment Bill 2011
First Reading

Bill received from the Senate and read a first time.
Order that the second reading be made an order of the day for a later hour this day.

Reference to Main Committee

Mr BUTLER: by leave—I move:

That the National Vocational Education and Training Regulator Amendment Bill 2011 be referred to the Main Committee for further consideration.

Question agreed to.

Superannuation Legislation Amendment (Early Release of Superannuation) Bill 2011

National Health Reform Amendment (National Health Performance Authority) Bill 2011

Offshore Petroleum (Royalty) Amendment Bill 2011

Offshore Petroleum and Greenhouse Gas Storage (Registration Fees) Amendment Bill 2011

Offshore Petroleum and Greenhouse Gas Storage Amendment (National Regulator) Bill 2011
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Offshore Resources Legislation Amendment (Personal Property Securities) Bill 2011


Horse Disease Response Levy Bill 2011

Horse Disease Response Levy Collection Bill 2011

Horse Disease Response Levy (Consequential Amendments) Bill 2011

Inspector-General of Intelligence and Security Amendment Bill 2011

Australian Energy Market Amendment (National Energy Retail Law) Bill 2011

Family Assistance Legislation Amendment (Child Care Financial Viability) Bill 2011

Migration Amendment (Complementary Protection) Bill 2011

Schools Assistance Amendment Bill 2011

Customs Amendment (Anti-dumping Improvements) Bill 2011

Customs Amendment (Anti-dumping Measures) Bill 2011

Banking Amendment (Covered Bonds) Bill 2011

Assent

Messages from the Governor-General reported informing the House of assent to the bills.

Social Security Amendment (Student Income Support Reforms) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr SIDEBOTTOM (Braddon) (12:02): I am continuing my remarks on the legislative changes for student support that the government is now putting forward. This is a very successful student support assistance package that has seen a massive increase in the number of students taking up tertiary education options and students coming from regional and outer parts of Australia.

My speech was rudely interrupted last time the parliament sat. The opposition attempted to gag me from speaking in an attempt to play games in this House, which they have been doing all year in their fit of not being successful in forming government. I do not want that type of episode to interfere with what is the announcement of some very good news. I can understand why the opposition spokesperson on education wanted to interrupt my speech which is to demonstrate the good news that is part and parcel of this additional $265 million financial commitment to assisting students and their families access higher education in our nation, especially in a region such as my own.

All of my electorate was effectively deemed outer regional, except for two centres, Latrobe and Devonport, which were deemed to be inner regional. Those two inner regional centres now will be deemed to be the same and equivalent to outer regional areas and will be eligible for this increased assistance, if they were not eligible beforehand. Labor's changes mean that students from inner regional areas will have additional avenues to demonstrate independence and therefore qualify for
independent youth allowance. It expands the options available to inner regional students to access this youth allowance. The maximum rate of independent youth allowance, for the record, is $388.70 a fortnight—that is, if you are 18 years old or more, living away from home with no children. But in order to further support regional students who have to move away from home to study—both of my children, Julian and William, have had to move away from home, and it is a struggle—this scheme is designed to assist a lot more families.

If you have to move away from home and you are from regional areas, the government is also increasing the value of what we call the Relocation Scholarship for eligible students from regional areas. That means, for example, that 15,300 regional students will receive a higher regional Relocation Scholarship amount each year. That is 15,300 of our students and their families who will benefit. From 1 January 2012 eligible regional students will receive a Relocation Scholarship of $4,000 for the first year of study to help them establish themselves when moving away from home and with all the rigmarole and anxiety that goes with that. It is $2,000 for each of the second and third years and $1,000 for subsequent years. There are a lot of things at play in determining those figures but that is calibrated and calculated to be the most essential type of support during those years.

Over a three-year degree, the Relocation Scholarship will increase from the current total of $6,186 to $8,000 from January next year. It is never enough, particularly with the financial burdens that many people from regional areas experience living away from home and the costs associated with that, but it is certainly a great increase on the past and will be greatly beneficial to many families. In the meantime with the changes that we have announced in this legislation we have decided to make it easier for regional students who may have missed out in 2009 and 2010 to access the independent youth allowance. This was during the period of review. The report of that review was handed down recently. The new rules will come into effect from 1 January 2012. I point out for the record that any employment undertaken since the student left school will be counted towards the independence test even if that work was done prior to 1 January 2012. We are trying to take into account the period between the initial announcement of the financial support scheme and the review that was recently handed down.

The review considered the impact of student income support arrangements implemented under the package on equity, with a particular focus on the impact on rural and regional students and their capacity to access higher education. The chair of the review Professor Kwong Lee Dow conducted discussions in both metropolitan areas and rural and regional areas in each state and territory. He handed down the report. The government's legislation before us is in response to that report's recommendations.

This year total support for Youth Allowance for higher education will exceed $1.25 billion. That is an increase of more than 50 per cent, something which if known by those on the other side is not mentioned by them. That is a 50 per cent increase on the $800 million outlay in the last year of the former coalition government. We are proud that more students than ever before are going to university. This government is proud that more students are receiving the support they need to attend university. This government is very proud that support is being targeted to those students who need it most. The review and consequent legislation, and prior to that our former scheme, are designed to support those families who need that support the
most. We have succeeded in doing that. We have massively increased participation rates, particularly from rural and regional Australia. After a decade of stagnation under the former government we are delivering support that Australian students need to assist them to get through university.

The $265 million new package of support that I mentioned earlier will be fully funded. New expenditure will be offset from within the current program or the previous program. That means winding up the Rural Tertiary Hardship Fund, deferring the measure to increase youth allowance eligibility for masters by coursework students from 1 January 2012 until 1 January 2014, reducing the start-up scholarship to $2,050 from 1 January 2012, and reducing the Relocation Scholarship for non-regional students to $4,000 from 1 January 2012.

I have said before that we have opened the doors to Australia's universities. Students across the nation have taken up the opportunity to further their tertiary education. They have responded strongly to the new opportunities to access youth allowance. We have delivered major increases in funding to assist those students. For example, in just over a year we have seen an extra 25,000 students receiving youth allowance and many of these students are from low- and middle-income families. Many more low- and middle-income families are taking advantage of the lowering of the age of independence from 25 to 23. That is a massive change and has financial implications both for the benefit of those who are receiving it and increasing the cost of the scheme. There has been an increase of 29,441 students just with a change to the lowering of the age of independence. Fewer students are accessing youth allowance through the independent workforce criterion. That is a decrease of 26,141 students. So more are eligible and more are taking up that opportunity. As I was saying before, many more low- and middle-income students are accessing independent youth allowance, an increase of 21,342 students.

So overall the number of students accessing youth allowance is up from 135,000 to 160,000. That is an increase of 18 per cent in just more than a year. There have been more students in rural areas, particularly in my own area and that of the member for Lyne, who has spent a long time trying to hone this scheme and make it even more beneficial for rural and regional students. I thank him for that. I was really happy to work with him to keep on keeping on to make these changes.

Mrs PRENTICE (Ryan) (12:13): The Social Security Amendment (Student Income Support Reforms) Bill 2011 proposes that from 1 January 2012 changes be made to the criteria under which youth allowance recipients from inner regional Australia are considered to be independent. It adjust the amount of the Relocation Scholarship to eligible higher education students from regional or remote areas who are required to live away from home to study and it reduces the amount of the Student Start-Up Scholarship to $2,050 for eligible students. This bill will also introduce a feasibility study into the merits of an income contingent loan scheme to help students who have to live away from home during clinical and practical placements. As well, it will establish triennial reviews of student income support reforms to gauge their effectiveness in reducing financial barriers to education for students in need and also provide an educational strategy to ensure students and their families are aware of the financial assistance available for tertiary education. As a member of parliament I am regularly confronted by constituents who are struggling and in need and are not aware that there are government schemes to assist them,
so this awareness will be welcomed by many. Today we are debating proposed amendments to finally make independent youth allowance provisions fair for inner regional students. This comes after two years of lobbying by students, parents and education stakeholders—from all groups who are affected by this legislation. These stakeholders have been calling for a reversal of the changes that this Labor government made to the original legislation that made the system unfair to inner regional students by removing the 30-hour work week rule, and finally the government has realised the error it made in subjecting these students to this requirement in the first place.

This realisation is important, as by introducing the necessity for inner regional students to work 30 hours a week in order to be eligible for youth allowance, the government made the arrogant assumption that inner regional students have the same access to opportunities as students from metropolitan areas and that their costs of relocation for university study are somehow less than those of anyone else who has had to move. It was an unfair provision that the government introduced in the first place. The reversal of the government's extra provision, however, comes at a cost. It is yet another blow-out for taxpayers and there are flow-on effects for other students who are eligible for youth allowance.

The package that has been announced is costing $265 million. That is $265 million to make changes to a program that the government themselves changed in the first place—not a terribly flattering reflection on this government's economic management. Neither is it a particularly flattering reflection on this government's management of education, which so many members claim to hold close to their hearts. The coalition has tried to right this wrong many times before now, yet previous attempts have fallen upon deaf ears and have been blocked in debate by members of the Labor Party and, at times, by Independent members representing regional areas.

Last October—more than 12 months ago—the coalition introduced a notice of motion to the House of Representatives to make independent youth allowance fair for inner regional students by reinstating the same fair criteria that apply to other regional students. Whilst this was supported by Independent members, it was blocked by Labor members of parliament. In February this year, the coalition introduced a bill into the House of Representatives which sought to reinstate the same fair criteria to inner regional students as other regional students. Debate was disallowed by Labor members as well as the member for New England and the member for Lyne. It is curious that the same members are now supporting these legislative changes—now that they have been proposed by their side of the House.

The bill before us today brings fairness back to inner regional students. This is so important, as the Bradley report found that students from regional and remote areas are one of just three groups that are significantly underrepresented at university. Although 27.9 per cent of the population aged between 15 and 64 live in regional or remote areas, only 19 per cent of university students indicate that they are from these areas. Furthermore, the higher education participation rate of this group has deteriorated over the past five years. It is interesting that, despite this deterioration in participation rates, the government introduced further barriers to regional students through more restrictive criteria for youth allowance. The government cannot try to claim ignorance of what was going on. It ignored multiple attempts by the coalition to address the issue sooner. Additionally, the government announced their ambition that,
by 2014, 40 per cent of 25- to 34-year-olds will hold a bachelor's degree and, by 2020, 20 per cent of undergraduate higher education enrolments will be students from a remote or regional background. Again it is surprising that, considering these targets, the government added an extra barrier for regional students.

These statistics alone give weight to the importance of increasing participation rates of students from regional and remote backgrounds. Further to this, however, offer rates to those from regional and remote areas who apply to attend university are equal to or better than offers to students from metropolitan and urban areas. So the question is why participation rates are lower. It is commonly regarded that students from a regional or remote background face higher initial costs, as they often must move away from home to study. A report by the Department of Education, Employment, and Workplace Relations notes that access is closely linked to the costs of attending university, and the further a person lives away from the campus the more likely it is that there will be additional costs to study—such as transport expenses. Furthermore, it has been shown that regional and remote students have a perception that costs will be higher and therefore they are discouraged from the beginning.

With the University of Queensland located in my electorate of Ryan, I have seen evidence of this in St Lucia, Toowong, Taringa and surrounding suburbs. Students come to study at the University of Queensland from all over the state and, indeed, from around Australia. Every January, demand for rental housing by students—new and current—is overwhelming as students try to find somewhere to live during the semester. I know the stress that this causes students. Although the University of Queensland has 10 residential colleges, demand for these facilities is so high that literally hundreds of students miss out every year, but whether students utilise university or private accommodation, the cost to those who have to relocate to attend university is phenomenal. Students must find a way to fund these costs, with many working part-time to help with the burden. However, with the admirable target of 40 per cent of 25- to 34-year-olds holding a bachelor's degree by 2014, and 20 per cent regional and remote student participation by 2020, measures must be taken to support students while they study.

Delivering higher education to a dispersed population such as ours in Australia is a difficult task. Research shows that those from regional and remote areas suffer from the tyranny of distance much more than their metropolitan counterparts, with a 10 per cent lower participation rate for the 19- to 21-year-old age group. Much of this barrier is due to cost, plain and simple. The Department of Education, Employment and Workplace Relations report estimated that the annual cost for regional students to study away from home is approximately $15,000 to $20,000 per year. The report states that, on top of this, many students cannot access youth allowance due to tight eligibility criteria. Keep in mind that this report was commissioned after the government's changes and, even amongst those who can access youth allowance, the amount provided was considered inadequate to cover the living, social and travel costs for young regional people. This finding does not bode well for those students whose scholarships will be cut due to the costs involved with the mismanagement of this program and its changes.

The Department of Education, Employment and Workplace Relations report states that regional students are most worried
about the cost of tertiary education. Sadly, but understandably, students are focused on the immediate costs they face, rather than on the lifelong benefits and increased earning capacity higher education can bring. The report says that many regional students recognised that university study would require significant financial resources and that this would often mean that students would be heavily reliant on their parents if they chose to study at university. Studies have found that students were reluctant to become overreliant on their parents, and so upfront cost considerations affected their decision to participate in higher education. Of course, there are many families in which a student's parents would willingly cover the costs involved with their children receiving a tertiary education but they simply cannot afford it.

I highlight these cost concerns as they are an obvious barrier to regional student participation in higher education and we have a duty to address the discrepancies between metropolitan and regional student participation rates. Youth allowance is one way we can support regional students to close this gap, and it must be utilised effectively to ensure that regional students have access to these funds fairly, regardless of whether they are from an inner regional or outer regional background. The relocation costs and costs of studying away from home are basically the same, regardless of whether you need to relocate 100 kilometres or 500 kilometres, and inner regional students should be subject to the same conditions as other regional students, not metropolitan students.

The legislation before us today shows that the government have finally sat up and listened to those who have been affected by their changes. It is a shame that their delayed response has come with a $265 million price tag and will be to the detriment of other students currently receiving youth allowance. It is also a shame that, despite evidence showing that regional students already have a lower participation rate in higher education, the government imposed this extra barrier in front of inner regional students in the first place.

Mr OAKESHOTT (Lyne) (12:25): Despite what the other place is debating right now in regard to climate change, despite what previous prime ministers have said about 'the moral challenges of our time', it is my view that climate change is not the moral challenge of our time; nor is it the economic challenge of our time. As I have previously stated quite publicly, I think the moral and economic challenge of our time is access and participation rates in education. That is what makes this Social Security Amendment (Student Income Support Reforms) Bill 2011 and work done in the area of access and participation rates so vitally important for the future of so many individuals—the families and communities of Australia—and, indeed, for Australia more generally.

This bill is also pleasing because it is a clear demonstration of the actions of the 43rd Parliament in direct comparison with the actions of the 42nd Parliament. This is delivering the outcome that should have been delivered for regional and rural students with respect to access and participation in education and better outcomes in regard to youth allowance. As many previous speakers have said, the 42nd Parliament dogged this reform. There was an attempt to make some substantial changes to student income support. Conceptually, all of those were fine; however, in negotiating in the Senate, between the major parties, it went wrong. A scheme based on a GP medical scheme became the circuit breaker between a Labor government and a Liberal-National opposition that could not reach agreement. Potentially all of the reforms were going to
fall over and potentially all students would have been denied youth allowance for higher learning, as a consequence of party politics gone wrong.

As a consequence an inner versus outer regional scheme was the circuit breaker. In communities such as mine and in many communities around Australia, lines were drawn down the middle of electorates. This meant that some students received entitlements that other students did not. This created enormous confusion on the ground, inequity and plenty of politics. On the back of that, it has been fascinating to watch those same major parties who dogged it on the negotiations in the Senate in the last parliament suddenly scramble to try and do some sort of mea culpa and claim moral high ground—that they either were not involved at all or that they had some sort of wonderful solution.

In this parliament it has been resolved. This is an important package for access and participation rates in education and it will make a significant difference to the many challenges that Australia faces. I am personally thankful that the Prime Minister was willing to negotiate on this issue and that she has delivered on those negotiations. In February this year, through personal negotiation directly with her, an agreement was reached that the review required by the Social Security Act would be brought forward by 12 months to report by 1 July this year. The review was to consider the impact of the then recent reforms, including their impact on the capacity of regional students to access higher education and appropriate savings that could be made to pay for extensions in eligibility for youth allowance. The government, informed by the findings of this review, was to present legislation to parliament this year with a view to implementing the new eligibility arrangements from 1 January 2012. The government was to ensure that these new eligibility arrangements eliminated the distinction between inner regional and outer regional students. The solution needed to be evidence based, financially responsible and sustainable in the long term, and, given the tough budget environment, any new spending needed to be offset by savings.

It is worth going back to February this year, because around that time there were plenty of doubting Thomases saying that all this would never happen, and there were plenty saying for their own political reasons or their own political gain that it was some sort of dirty deal which would not deliver results for students in regional and remote communities. But every one of the issues that were negotiated is being delivered upon in this legislation. I thank the Prime Minister for both having the desire to negotiate on better youth allowance outcomes and, via this legislation, delivering on the negotiations. It is appreciated and important, because this is both the moral and the economic challenge of our time.

I hope that now some of the politics can be put behind us, but I gather from some of the things that have been said already that that may not be the case. There seems to be some attempt to enter into mythology that what happened in February this year was not unconstitutional and that instead there was some sort of giving up on students in regional areas, particularly by regional Independents but also by other members of this chamber who represent regional communities.

Dr Stone: That's right.

Mr Oakeshott: I have just heard an interjection to say, 'That is right.' Let us do a direct comparison between the two options that have come before the House, one now and the other in February. The one we are looking at now, which will hopefully have
the support of both all members in this chamber and those in the other place, has $265 million of outcomes and removes the inner regional versus outer regional dog of a deal that was done in the last Senate—that is, in the 42nd Parliament. It is a real result with real outcomes which have been achieved without bagging anyone, without accusations, without smears. Compare that to February—no result and no real outcomes but unconstitutional and with plenty of bagging, lots of accusations and lots of smears. I would say that for everyone the choice between the two options is pretty clear: $265 million versus zero. If you are a student who is thinking about their university options from 1 January next year, I would hope you would much prefer a result that mattered and that was achieved via negotiation—or via whatever means through the political process—to the smear, the accusations and the baggings that went with zero results in real terms for students in low-income areas, in regional communities and among communities of Aboriginal descent: the three standout areas in Australia of low access and low participation in higher learning.

It is a shameful failure of policy by this parliament and so-called public policy leaders that it is the case that low-income, Indigenous and regional and rural students are up to 30 per cent less likely to be in higher learning when we have skills shortage in this country. It says that public policy has been all too comfortable leaving people behind. I do not want to be in a parliament that does that. I do not think that is the Australian way. This legislation is one important contribution that says that we do not leave people behind and that we do all that we can to bring less affluent, Indigenous and regional and rural people—all of them potentially students—to a situation where they can be valuable contributors to the Australia of the future.

This legislation matters. It has had one ugly birth through a political process that goes back to the last Senate. The major parties both should be condemned for a dirty deal gone wrong, but I am pleased that this parliament has now negotiated an outcome that cleans that up and delivers a very real result that will matter for the long-term national interest of this country.

Dr STONE (Murray) (12:35): I rise to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. I can understand why the previous speaker, the member for Lyne, was so shrill in defence of his actions. I think he stands condemned and should be ashamed for his blocking and cutting down of debate on this legislation the last time it was before the parliament. It was because of his seriously misplaced sense of his own importance that we were not able to debate this bill.

This bill is one of the most significant ever to come before the House in terms of impact on the younger people—the next generation—of my electorate of Murray. We in my electorate have one of the lowest levels of formal educational attainment in Australia. We have generations of farm families who have learned on the job and are excellent at what they do, but they have typically not had access to tertiary education. Of course, times have changed, and now most families aspire to have their young ones move beyond secondary education to either an apprenticeship or a university course. Unfortunately we have very few tertiary course offerings nearby or in the electorate, although the number of these courses has improved since I was elected in 1996. The reality is that for the vast majority of school leavers who aspire to a university education they or their families will have to find some
way to pay the roughly $20,000 per annum for their living away from home to study expenses.

In northern Victoria and Murray, we have just come through 10 years of drought and then the floods. The prospect of the Gillard-Brown carbon tax is already biting, with the extra costs to our energy-intensive export-exposed food manufacturing driving factory closures and job losses. Never has there been a more important time for us to have higher education alternatives for our next generation of young people.

Can you imagine the distress when at the height of the drought the Rudd government decided that their mounting debt and program disasters and their outrageous costs could be trimmed a little be squeezing country kids out of eligibility for independent youth allowance? Their crude strategy was effective. The Labor government simply took the most densely populate parts of regional Australia where they could expect most of the independent youth allowance applications to come from and ring-fenced these off in a zone they called 'inner regional'. Can you imagine the horror when parents in Deniliquin and Echuca realised the con?

This involved applying conditions for eligibility for the allowance that were impossible for students to meet. Students were required to work 15 hours a week for at least two years after completing secondary education. This meant a deferral of at least two years from courses, which universities virtually always denied. The alternative was to work for at least 18 months where you earned at least 75 per cent of the maximum Commonwealth training award payment or around $19,532.

Again, in my small and large rural communities, the door-knocking and desperate requests of teenagers seeking full-time jobs with wages with only year-12 qualifications and no work experience virtually always ended in those students being turned away. They could not get the work. They could not leave home to find the work. It was a disaster. As expected, many of the students simply had to let their higher education aspirations go. Families who were looking forward with pride to the first of their family ever to gain a university qualification were suddenly confronted with the reality that they could not afford to pay their students' living costs, and the Labor government did not want to know about it or they simply did not care.

We had rally after rally in Murray; we had thousands of petitions signed; we had deputations and begging letters to ministers, with parents and grandparents joining with their students. We pleaded with the Rudd and then the Gillard government to relent and give rural students a fair go. After all, we know that country born and bred professionals are much more likely to take up their careers in their home or like communities. They go back to the bush.

Country raised and educated professionals are not afraid of the long distances, the dusty travel, the small populations, the droughts, fires, floods and pestilence that colour the lives of rural communities. With fewer country educated graduates, we will be exacerbating the next generation of rural skills shortages that are already a feature of Australia's two-speed economy. Again, this government does not seem to know or care. For any government to deliberately target cost-cutting measures to impair the skills development of the next generation simply beggars belief. I think it will go down as one of the darkest decisions to be made by any government ever.

Finally, in a face-saving episode, the Gillard government asked Professor Kwong
Lee Dow to review the situation. I know Professor Kwong Lee Dow very well. I knew that he would provide the right outcome, and this government was shamed into a backflip. But it is too late, let me say, tragically for too many of my families.

I want to give you some statistics because this government is very fond of giving statistics, and previous speakers have done this from the other side making it look as if the damage was contained. But let me quote you the real statistics—that is if the minister is to be believed when he supplied these answers to questions on notice that I put to him some time ago. I asked for him to tell me how many youth allowances, independent youth allowances and rent assistance packages had been allocated to my electorate of Murray—bearing in mind that only half of the electorate, the less populated half, was affected or allowed to continue with the old coalition policies. It was my inner regional half that was caught up in this scam.

In 2007, during the height of the drought but under the coalition, 400 students applied for a tertiary youth allowance. In 2011, under Labor's new cost-cutting measures with the inner regional definitions and hopeless and impossible criteria designed to squeeze country students out of the budget, they had the desired outcome: only 247, or nearly half the students, applied in 2011 compared to 2007; only 66 actually received the full rate of the youth allowance in 2011 compared to 235 who received the full youth allowance under the Howard government in 2007. These are disgraceful figures.

Let's look at the independent youth allowance: in 2007, 137 received the independent youth allowance; in 2011, to June, only 48—48 compared to 137. These are the statistics out of the minister's own portfolio. I think they are a disgrace and they indicate a serious crisis for my electorate of Murray in terms of its potential to have its own skilled people trained at tertiary education facilities in the future.

Let's look at rent assistance: in 2007, 3,185 of my students received rent assistance; in 2011, to June, only 1,742—so just over half again. I think those statistics are incredibly damning. I think they are from a government which really has some reckoning to do. How can any government say that in order to introduce cost-cutting measures it will continue with pink batts, dodgy solar panels, set-top boxes, grocery watches, fuel watches and all sorts of extraordinary expenditures while it cuts the capacity of country students to realise their dreams of a university education?

It is not just the dream that individuals have had dashed; as I said before, these rural communities and economies are already suffering as a result of these reductions and worse is to come. At Echuca College, where years 11 and 12 students are just now contemplating their futures and, for year 12s, university places are being applied for, this year less than half of the Echuca year-12 students have applied for a tertiary place. That is a condemnation on this government's head, and I am ashamed that this government thinks that this bill, which finally puts the show right, will be enough. We will have to have a lot of compensatory support to look after that lost generation of students who could not access tertiary education because this government was inept and did not care.

Mr HAYES (Fowler) (12:44): I also rise today to extend my support to the Social Security Amendment (Student Income Support Reforms) Bill 2011. Born and raised, as I was, in Australia, I am proud to have gone through one of the best education systems in the world. Regrettably, I could probably have used it more efficiently as I
was growing up, but these things do fall to the individual. Nevertheless, the system was available. Not only do all Australians have the right to an education, but, through the hard work and dedication of our teachers, we are fortunate enough to attend teaching institutions that the OECD ranks in the top 10 in the world. I am very proud of our teaching institutions.

As you are aware, Madam Deputy Speaker Livermore, my daughter Elizabeth is a high school teacher. I recently attended a school and was talking with the kids about occupations that make a difference. I indicated to them my view that one of the few occupations that makes a genuine difference in our community is teaching. Without our teachers, we would not be able to motivate people to become doctors, tradespeople, engineers, builders, carpenters or, indeed, lawyers. So I take the opportunity to extend my thanks to all those dedicated teachers out there. I acknowledge the powerful work they do in shaping our future.

That Australia's teaching institutions are ranked by the OECD in the top 10 in the world is significant. The fact that thousands of international students flock to our shores every year gives some proof to the standard of our education system and how it is viewed on the world scene. This is not to say that continual improvements must not be made. The government is committed to ensuring that every single Australian has the opportunity to undertake further education as it seeks to improve access to the system.

The bill before the House focuses on our regional students. As we have heard from previous speakers, the bill amends the Social Security Act 1991 by extending special workforce participation independence arrangements, changing the value and distribution of the relocation scholarship and changing the value of the Student Start-up Scholarship. This bill also corrects some drafting oversights in the Families, Housing, Community Services and Other Legislation Amendment (Electoral Commitments and Other Measures) Act (No. 1) 2011 and the Social Security and Other Legislation Amendment (Income Support for Students) Act 2010.

Many regional students must leave their homes to study after they complete secondary school. It is our responsibility to ensure that they are provided ample assistance during this time. It is with that in mind that the government proposes what it regards as necessary reforms. Following extensive consultation with Professor Kwong Lee Dow AM, a man with an impressive record in and knowledge of the higher education system, the main challenge that was identified was the additional costs that are incurred through the relocation process. In line with this government's commitment to a stronger, fairer and more productive nation, and in response to this review, I am pleased to rise to support this package of amendments. Under the proposed amendments, we will see changes to the independence criteria for youth from inner regional Australia and improved support for students from low socioeconomic backgrounds.

In 2010 the government introduced similar reforms to this aspect of the social security system, and since this time the number of independent youth allowance recipients has increased by 29,000. That means that over 160,000 students are now accessing youth allowance. Though we are delighted by the impact of these reforms, we are disappointed to see that regional participation rates still lag behind the numbers in metropolitan areas. We hope that these 2011 changes will be the catalyst for improving this disparity and giving further opportunity for young people in regional
areas. We believe that, by allowing for an increase in the inner regional student workforce participation that is already available to outer regional and remote students, some of the financial burden will be alleviated. It is expected that an additional 5,500 young people will have access to payments under this new scheme.

By chance I had a conversation with a young lady who is attending the Australian National University. She grew up in inner regional New South Wales and had to relocate to Canberra to undertake her degree. She is the eldest of five kids and, under the current legislation, she is ineligible to receive youth allowance payments. Not only faced with the costs of relocation, for the past four years she has faced the financial strain that comes with being a university student, including paying for textbooks, rent and living expenses. In having to undertake 30 hours per week of paid work to cover these costs, this student told me that she felt that her legal studies have suffered as a result.

The changes to the system proposed in these amendments will directly affect this young lady and thousands like her by allowing them the opportunity to fully engage in their tertiary education. Apart from being of specific value to individuals, these changes will have value to the community. We not only want people commencing studies—in the case of this young woman, her law degree—we want them completing their studies in an appropriate period of time. That is good for the community.

Further changes will be made to the value of relocation scholarships for eligible dependent students and some small numbers of independent students disadvantaged by their personal circumstances. From January next year, 15,000 regional students will receive $4,000 in their first year, $2,000 in each of their second and third years and $1,000 in subsequent years.

I would also like to mention the non-legislative improvements that the government are targeting. We are undertaking a study to determine the feasibility of an income-contingent loan scheme for those students who must live away from home for clinical placement and other formal practicum periods as part of their course requirement. I saw firsthand the need for that when I recently visited the UWS medical school and saw a number of young people who were attracted to studying there. The practice of that medical school allocating out young people during the course of their studies to work in various areas in the community was raised with me, so this is an improvement that will have material benefit. Also, there will be reviews of the effectiveness of income support in reducing financial barriers to student participation and the formation of an education strategy to ensure that young regional Australians are aware of their options for financial assistance. In its entirety the bill represents no additional cost to the Australian taxpayer and, consequently, it would be utterly beyond belief if the amendments are not passed by the House.

Every young person is an asset to this nation. We need to facilitate knowledge development by engaging in continual revision of our education system and the support networks that underpin that. Australian businesses already know the value of our human capital and that it is paramount. It is worth investing in, not just for here and now but for the long term. The government are in agreement. We are committed to removing the distinction between students based on their location and upbringing. All young people have the right to a bright future and we must ensure that financial barriers do not stand in their way as
they try to realise their dreams and aspirations.

Australia has always prided itself on its reputation for giving every individual, through hard work and dedication, the opportunity to elevate their economic and social status through participation. The government are proud to represent such a community and we want to give all young people that opportunity. We want to help them step up in order to meet their dreams and aspirations. I hope that those on the other side similarly support these amendments as this legislation is not just about an investment in the individuals concerned but about a real investment in Australia's future. I commend the bill to the House.

Ms Marino (Forrest—Opposition Whip) (12:55): It has taken 2½ years for this government to finally end its discrimination against students and families in regional and rural areas, including students and families in my electorate in the south-west of Western Australia. There is no doubt that the Prime Minister's original intention in 2009, as the then Minister for Education, was to totally strip away independent youth allowance for every student in Australia in a perverse form of cost saving, which was confirmed in Senate estimates. This is from a government that was in the throes of wasting billions of taxpayers' funds on pink batts, green loans and overpriced school buildings. The government has been absolutely determined to make rural and regional students pay for its waste and mismanagement through changes to youth allowance—basically, as one parent said, condemning students on the basis of where they live. It is the government's postcode method of discrimination. What an appalling decision it was and what dreadful trauma, stress and pressure it has caused. I have seen it almost on a daily basis throughout my electorate.

In giving evidence, Shelley O'Brien, from the Injury Control Council of WA, said:

These financial pressures, we understand from mental health, lead to family disharmony; increased levels of mental ill-health and depression; pressures on other family members and risks to younger siblings; increases in domestic violence; potential loss of family home or car; family discussions about financial prioritising; feelings of discrimination; and, in small communities, the fears of shame leading onto isolation are real pressures.

Why would the Prime Minister do this? Why would she penalise families when we know categorically that Australia's geography and demography pose significant challenges for regional families, especially when young students move beyond the educational experience offered by country schools to secondary or tertiary education in larger cities?

Many regional students have no choice but to relocate to study, like the young people in my electorate. They and their families face a significant increase in their cost of living due to living away from home, as well as many social and personal challenges. Students from regional areas are less likely to finish year 12 than their metropolitan counterparts and are significantly underrepresented in tertiary education. Fifty-five per cent of metropolitan students go on to tertiary education compared to 33 per cent of students from regional areas. Evidence has shown that it is the financial barrier of the cost of relocation that prevents more regional students from undertaking tertiary study. In Western Australia, 14.9 per cent of students whose home is located outside the capital city defer their studies. Literature suggests that this is due to the need to accumulate financial resources to be able to study at university.

In spite of these statistics, in early 2010 the Labor government altered the eligibility
criteria for independent youth allowance as a cost-saving measure, as I said. Under the new system, students from areas that the government identified as inner regional were required to work more hours for longer than other students before being considered independent. Students mapped as outer regional could be classed as independent if they had been out of school for 18 months and had earned at least 75 per cent of the maximum rate of pay under the wage level A in that 18-month period. This meant they could basically take one year off, earning a wage to allow them to meet the income requirement within that one year. They could then enrol in their preferred tertiary course the next year and wait out the remaining six months while studying before claiming independent youth allowance.

But if you are a student from the south-west, in an area described by the government as 'inner regional', you could not access the same criteria. Inner regional students were forced to work an average of 30 hours a week for a minimum of 18 months out of two years. This meant that these same inner regional students had to take at least 18 months off, and for courses that are set and which do not have a midyear intake like medicine, law, vet science and others they had to take two years away from study. Two years is an awfully long time and, unfortunately, many students from inner regional areas do not come back to their study.

The practical result of this was that while outer regional, remote and very remote students found it possible to qualify for independent status while taking off only one year—their gap year—inner regional students could not. This was a discrimination against these students. The Labor Party's changes to youth allowance slashed the tertiary education opportunities for the regional or rural students right across this nation. Their changes to the legislation just discriminated against regional students' access to independent youth allowance, and that was just through those arbitrary lines drawn on a map.

The amount of emails, phone calls, visits and petitions—everything that we did to bring the damage this was doing to the attention of the government—were where from day one we worked overtime to change this decision and to bring this to the government's attention on a daily basis, where possible. Both this House and the Senate sent clear messages to the government that rural and regional students and their families should be given a fair go. The government has had the opportunity to do this previously. They did not have to wait this amount of time. Young people and their families could have been accessing this a long time ago. Both houses passed motions to this effect a full year ago, in October 2010. The government's response to that at the time was not to fix the problem but just to initiate another review: to stall, to obfuscate and, ultimately, to try to avoid admitting that they got it wrong. They did get it wrong.

But nothing could ultimately hide the fact—the truth—that the Prime Minister, in particular, got this so horribly wrong as the minister for education. This was wrong. This discriminated against rural and regional students. It was really plain to all fair minded people that the government policy was discriminatory, and basically a direct attack on those aspirations of regional students and their families. As a result we have the government dragged kicking and screaming to the table by an opposition campaign for fairness to fix the appalling mess that the government created.

I believe the government will try to put their usual spin on it. I note that in response
to a Dorothy Dix question from the member for New England on 19 September this year the Prime Minister said:

Because of the advocacy of Labor members, the member for New England and the member for Lyne, in the last parliament the government acted to create a better and fairer system of youth allowance for Australian students generally and particularly for country students.

But Australian families know exactly who has been working constantly for the unfair and discriminatory changes to be scrapped. People in my electorate know very well. They have been with me every step of the way on this. They know exactly who was responsible, and they know who has been working tirelessly to get this fixed. It was certainly not the members of the Labor Party.

Let us refer to debate on the motion I moved in this House a year ago calling for fairness and an end to the discrimination. This motion was framed to require the government:

(a) urgently to introduce legislation to reinstate the former workplace participation criteria for independent youth allowance, to apply to students whose family home is located in inner regional areas as defined by the Australian Bureau of Statistics instrument Australian Standard Geographical Classification; and

(b) to appropriate funds necessary to meet the additional cost to write a daily limit and give expanding the criteria for participation, with the funds to come from the Education Investment Fund; and

(2) to send a message to the Senate acquainting it of this resolution and request that it concur.

In the debate I asked:

… the Prime Minister and all parliamentarians for fairness and equity of access for the thousands of regional students who have to relocate to attend tertiary education who are currently classified as ‘inner regional’.

I said to this House:

Put simply, I am asking whether members of this parliament believe in a fair go for rural and regional students and their families or whether this parliament will continue to discriminate against these same students and families.

That is what I asked for. And how did members of the Labor Party respond? They opposed the motion, and in doing so opposed a fair deal for regional students. And certainly a lot sooner than this.

I note that the member for Hunter said on that day:

Yes, there will be losers. There have been losers in my electorate and I have spoken to many of them. I sympathise with them, but the government has to make tough decisions.

Yes, there were many losers under that Labor government policy—many students from inner regional areas who had to take two gap years off, not one, and many young students that we cannot fix the problem for now, even with this legislation. In the meantime they deliberately chose to change what they were doing in years 11 and 12 because they knew they would not qualify for youth allowance, and they knew that their families could not afford to send them. So they have already made this decision, and this has had an impact on their education and their opportunities. I have spoken to those students, and that is what this did to those families.

In the debate on the motion, Labor members pointed out that the government had a limited bucket of money and they were simply changing who they were going to give it to. So they decided that young people in inner regional areas did not have a right to that opportunity for higher education. Instead of funding fair and equitable access to tertiary education for all of those students who needed it, this government picked winners and losers, based on their postcodes.
So many great young people and great families in my electorate were the losers.

They talk to me on a regular basis. I have spoken to the parents who have had to take a second job and I have spoken to families that have been so distressed and distraught by this. On Saturday at the Brunswick Show parent after parent came up and asked me if this is going to be changed and when it is going to be changed. This is critical: how could the government get it so wrong? How could you get it so wrong?

So we—not the other side of the House—fought the fight for fairness and equity in independent youth allowance. On this side of the House we moved motions, we sought to amend bills, we developed and tabled petitions and we encouraged the community to put their case to the committee. They wrote letters; they wrote emails. The thousands of people who were left devastated by this government's actions were supported by coalition members in their fight for equality—and still are to this day.

The coalition got behind the regional families because we were hearing them and we understood. We get it; we live there. We understand what people go through and how important education is to young people in regional areas. They need that education and we need those great young people back in our part of the world. We got behind them, and we understand the issues facing parents and students who are struggling financially to cover the costs of having young people living away from home to study. We were hearing stories of students who could not afford to get a tertiary education and so were opting out.

As I said, these young Australians were abandoning their educational dreams and aspirations. We were hearing of parents having to choose which one of their children they could afford to send to university. That has been one of the results of this in the last couple of years. The changes in this bill will remove some of the bias and discrimination imposed by the government's last bill, and I really want to thank the hundreds of families from the south-west who have not only contacted my office and me personally but have prepared submissions for inquiries, fronted up to Professor Kwong Lee Dow's meeting in my electorate and appeared in person before committees to outline the inequality of the government's criteria for independent youth allowance.

While we have had some success, I am determined to keep up the fight on behalf of south-west students and families until they have an equal chance of fulfilling their educational aspirations. But the discrimination continues. Another result is that none of those same students on independent youth allowance will have access to relocation scholarships. So, for me, the fight continues, and I fight on behalf of those young people, those families and their opportunities for education. I note the government have claimed that the number of regional students receiving youth allowance has increased, but they fail to say how many are actually receiving independent youth allowance compared to those on dependent youth allowance. Nor do they mention how many students receiving independent youth allowance are only receiving a part rate of the payment.

I want to thank all of my colleagues on this side of the House who, from the time that this government changed this legislation, stood with us, particularly those of us who are regional and rural members—those who understood and respected the fact that young people in rural and regional areas must have equity of access to education. It is the best opportunity not only for the young people and for the communities they will come back to and serve but for the future of this nation.
Young people are always our future. The education they receive is a critical part of that.

Mr RIPOLL (Oxley) (13:10): I am more than pleased to speak on this very important bill, the Social Security Amendment (Student Income Support Reforms) Bill 2011. This is a good reform that is timely and something that this Labor government is very proud of. The bill amends the Social Security Act 1991 to implement policy announcements by the government on 14 September this year following consideration of the recommendations of the Review of Student Income Support Reforms. These amendments remove the distinctions between inner regional and other regional and remote students for independent youth allowance, as well as providing additional support for students from regional Australia who need to relocate to study. It is not just about getting the reforms right in terms of who gets what money and where. It is also an additional support—an increase in funding, recognising that it is not just about who gets it but also that they actually need more funding.

Labor has a very long and proud tradition of supporting not only students but also the education system. You can see this whether you look back in history at the Whitlam years and the great legacy in higher education that has been left from that era, or at today, from Building the Education Revolution building new classrooms and new schools and adding school halls, to the national curriculum, to reforming school funding, which is in desperate need of change, and to the increasing of the funding that is available to not only schools but also teachers and the education system as a whole.

This bill has three key principle measures. The first measure changes the criteria under which youth allowance recipients from inner regional Australia are considered to be independent. The rate of youth allowance for independent recipients is not subject to a test for parental income, family means or family assets. The arrangements for independence through the part-time and earnings workforce participation criteria available to young people for outer regional, remote and very remote Australia will also be extended to young people from inner regional Australia. This is about extending the reach and it is about increasing that extension as well. No person who is currently independent because of the existing workforce participation criteria will be affected by this change. In addition, transitional or retrospective arrangements will be in place for young people who left secondary school in 2009-10, so they will not be left out either.

The second, very important, measure is about the adjustment of the amount of the relocation scholarship to provide additional assistance in the second and third years to eligible higher education students from regional and remote areas who are required to live away from home to study. This is in recognition of the multiple barriers and high costs faced by this group. We all recognise that in this place, and you would not have to travel too far to any electorate in this country to find people who are directly impacted by this. I know that Madam Deputy Speaker Livermore would have people in her electorate that are directly affected, as are people in the western corridor of Brisbane and Ipswich. This is for a whole range of reasons in students trying to access higher education facilities, whether they are in Brisbane or whether they have to travel further to gain that higher education. We know that the associated costs are high and that everyone ought to have good access. That is what the bill does and what this government has recognised. It has made the
required changes and increased the amount of funding that is available.

This amendment resets relocation scholarship values from next year, 2012. For eligible students from regional areas, the 2012 values will be $4,000 in the first year of living away, $2,000 in each of the second and third years and then $1,000 in any subsequent years of study. For eligible students from major cities, the 2012 values will be $4,000 in the first year and $1,000 in subsequent years of study. From 2013, indexation will apply annually as per the current arrangements. There is no change to the eligibility criteria for the relocation scholarship either. I note that the 2011 values for the relocation scholarship were $4,124 in the first year and $1,031 in subsequent years for eligible students. The third important measure also changes the amount of the Student Start-Up Scholarships for eligible students. This amendment resets that start-up scholarship value in 2012 to $1,025 per half-year payment. This amount will be indexed each year from 2013 as well, and there is no change to eligibility criteria for Student Start-Up Scholarships. So it is an easy process and a good transition, not only an increase but a resetting of the capacity for people to apply as well.

The bill brings forward by 18 months the cessation of the Rural Tertiary Hardship Fund, which provides a one-off payment of $3,000 under the grants based scheme in the first year that a higher education student from a regional or remote area is required to live away from home. The $20 million Rural Tertiary Hardship Fund will cease from 2012, and the savings from that fund will form part of the offsets for the package of reforms that we are introducing today. This is an important change and does rebalance the funding and mechanism of funding for students who are in need of government assistance. The result of our changes is that 5½ thousand inner regional students will be able either to access independent youth allowance payments or to receive a higher rate of payment.

From 1 January 2012, to be eligible for independent youth allowance under the workforce participation criteria regional students will need to satisfy one of the following three elements. The will have to be either working full time for an average of at least 30 hours a week for at least 18 months in a two-year period or working part time for at least 15 hours a week for two years since leaving school. Provided that they need to relocate to study and their combined parental income is less than $150,000 a year, that will apply. The third element is about earning, where in an 18-month period since leaving school an amount is earned equivalent to 75 per cent of the maximum rate of pay under the appropriate national training wage award rate or the varied rate as it applies. Again, this is as long as combined parental income is less than $150,000 per annum.

Under the current scheme, inner regional students can only qualify under the first of these three elements to be eligible for independent youth allowance. Labor's changes mean that students from inner regional areas will have additional avenues to demonstrate independence and, therefore, qualify for the independent youth allowance. It expands the options available to inner regional students to access youth allowance. The maximum rate of independent youth allowance is $388.70 a fortnight for an 18 year old away from home with no children. To further support regional students who have to move away from home to study, the government is also increasing the value of relocation scholarships for eligible students from regional areas. Labor's changes mean that 15,300 regional students will receive higher relocation scholarship amounts each year. From 1 January next year eligible
regional students will receive scholarships of $4,000 for the first year, $2,000 for each of the second and third years and $1,000 for the subsequent years. Over a three-year degree the relocation scholarship will increase from the current total of $6,186 to $8,000 from January next year. It is a good increase, a good transitional mechanism and more money for students in their pockets. We have decided to make it easier for regional students to access independent youth allowance, and the new rules will come into effect 1 January 2012. We are proud that more students will be able to receive that support and we are proud of the way we are being able to deliver it as well.

Under this review and the review of student reforms, in March 2010 last year the government introduced reforms to student income support following an agreement between the government and the coalition. Under the current legislation a review of the student income package was to be commenced in June of next year, but in February of this year the government brought forward the review by 12 months with a commitment to eliminating regional eligibility distinctions for youth allowance, effective 1 January 2012. So we have brought that forward. We have made it happen quicker. We have accepted the need for it to take place. But, rather than wait and take it through to its full extent, we brought it forward by a significant amount of time, and that was the right thing to do. The review reported back to government on 8 July this year and considered the impact on student income support arrangements that were implemented under the package on equity grounds, with a particular focus on the impact on rural and regional students and their capacity to access higher education. So the changes have been made. They are good changes. It means that there is more support, there are more eligible students and there is more money available.

This year the total support for youth allowance for higher education will exceed $1.25 billion—an increase of more than 50 per cent on the $800 million outlay in the last year of the former coalition government. I think it is a little bit disingenuous when coalition members come in here and talk about all the severe cuts and all the people in their electorates who miss out when, in reality, we have more than doubled the amount of funding that is available and now have actually increased the number of people who are eligible to receive that funding. We are proud that more students than ever before are going to go to university as a result of these very good changes. What this means for a range of students in this area is that they get new access. It is a recognition by government of that need and that we live in a changing world where we need to recognise that family circumstances are not the same in all parts of the country; that access to higher education is difficult for certain students depending on where they live and that family arrangements are not always equal; and, therefore, that it was not just a recognition of having an increased number of students who could access it but also an increased amount of funding to recognise cost-of-living pressures. So we are very proud that more students are receiving that funding and will now be able to attend university.

We have gone further than this package. This is just one measure. There have been a lot of other things this government has done, and I am particularly proud of the increased funding and recognition of regional universities themselves and their capacity to deliver higher education for students right across the country. There was an enormous demand and need for a very long time to recognise the good work that regional universities do. For me, in the western
corridor, in Brisbane and Ipswich, the University of Southern Queensland is one of those great universities that is delivering new, innovative courses and whose student numbers have been increasing at a growing rate. In fact, not only have they fulfilled all of the requirements under their charter, constructed a building and filled it with students, but within a short few years they have had to fund and are in the process of building another large complex to house the growing number of students that require their services.

These are the sorts of outcomes you get when you have a government that recognises the importance of higher education right across the board. It recognises the number of students who should gain access and are eligible, and it also recognises the amount of funding that goes to each of those students. It also recognises the amount of funding that goes to regional universities themselves. There is no point just talking about how much the students get if they do not have a university to go to in the first place. What this government has made is a holistic package. It is a package for students and a package for universities as well.

It is easy when you are in opposition to talk about funding everything, but you have to be able to fund it from somewhere. This new $265 million support package will cost extra money and will be fully funded by this government. New expenditure will be offset from within the program through a range of things. We will be winding up the Rural Tertiary Hardship Fund and putting that money into better areas to make sure that more students have access to higher education. We will be deferring the measure to increase youth allowance eligibility from masters by coursework students from 1 January next year to 1 January 2014. We will also be reducing the reallocation scholarships for non-regional students to $4,000 per year from 1 January next year. In all it is a good set of measures and a good package with increased funding when you look at it right across the board.

As I said earlier, there is the great tradition, the great history and the great legacy that Labor governments have left for many years in higher education. Now it is right across the whole education spectrum, whether it is something like a new school hall, computers in schools, new science labs or new classrooms. This Labor government has been dealing with the tough issues of a national curriculum through equalising, across the country, the standard of education so that any child can have an equal beginning and, we all hope, will have an equal opportunity after 12 years in the education system.

Regardless of whether they are from rural or regional Queensland, regional Victoria, rural New South Wales, the West, or wherever a student in this country has an opportunity to grow through the education system, then they should have that opportunity fully realised because we all understand the value of education. As many people have said in the past, 'Education is a passport'. It is a passport to prosperity; it is a passport from wherever you are to wherever you want to be and whomever you want to be. That is what Labor has always not only believed in but supported through funding, through action, through real money and through real programs that make real differences to students. Whether they are city students, country students, regional students, remote students, students in rich electorates or students in poor electorates, it has always been a matter to recognise the impact that we, the government, can have by providing a rich educational environment. No country in the world is better positioned to deliver it than Australia and no government is better positioned to deliver it. *(Time expired)*
Mr JOHN COBB (Calare) (13:25): It was, I guess, not just with a sense of 'About time,' but with a sense of huge relief that we speak on this bill at this time, particularly those of us who are responsible for regional Australia in an ongoing and serious sense. The Social Security Amendment (Student Income Support Reforms) Bill 2011 is desperately needed to bring some equity and fairness into the youth allowance system for tertiary students, particularly in the electorate of Calare. This amendment could have been avoided had Labor not made unnecessary changes to the eligibility criteria for youth allowance two years ago. The current Prime Minister when minister for education said when introducing the changes:

The changes will make a real difference for families trying to send their kids to university and will help ease the cost of living pressures that university can place on students and their families.

Fast forward to today, and the Prime Minister has performed yet another backflip reminiscent of the spectacular, 'there will be no carbon tax under the government I lead' move. Changes to the youth allowance system disadvantaged many tertiary students in my electorate as the vast majority of the Calare electorate is deemed to be inner regional. Students were not entitled to the same living away from home benefits as those in regional, remote and very remote areas. Having spent most of my political career in remote and very remote areas, I know how much they needed the living away from home allowance. Having also always had what is deemed inner regional—almost my whole electorate, with the exception of Forbes and Parkes, is inner regional—I realise that inner regional students, in the main, also have to leave home to get a tertiary education.

Thanks to the hard work of the students, parents, teachers and my colleagues on this side of the House we have succeeded in achieving changes to the Prime Minister's ridiculous legislation from when she was the minister for education. I would like to thank those students, parents and teachers who took part in the independent Review of Student Income Support Reforms and who helped to ensure that future groups did not suffer the same injustice.

Going to university is not cheap but it is exceptionally difficult for students in the bush. This is a concept that was clearly lost upon a city-centric Prime Minister, then education minister, and a city-centric Labor government. I remember the students—three from Orange and one from Cowra—who came to the Senate hearing. They were put under incredible pressure by senior members of the government about what their parents had and what they did not have. Those students represented themselves and regional students from the whole of Australia, including Calare, and they did it with guts and in a very articulate way under intense pressure from people who should have known better.

I would like to quote a mother from Laffing Waters near Bathurst:

My daughter is one of the unlucky children leaving school in 2009 therefore, not able to claim independent youth allowance. She had to relocate to start her degree and with the workload is unable to work. The new laws surrounding inner regional areas are unjust to say the least. If you have to relocate 4 hours away from home to study your chosen course these children should be entitled to some assistance.

This is from a concerned mother of three near Orange who contacted me when the Prime Minister changed the youth allowance scheme:

The recent passing of the amended bill does not address the key issues for many students, most particularly those who must relocate to study. Why not acknowledge the financial penalties for
country families with children studying at metropolitan universities? Why not supplement their living away from home allowances, rather than removing them?

Thanks to the communities, the Nationals and the coalition, common sense has prevailed. As of 1 January 2012, tertiary students considered to be living in the inner regional areas will be able to access independent youth allowance under the same rules that apply to students from outer regional, remote and very remote areas. Relocation scholarships will increase from $1,000 a year to $2,000 a year for the second and third years of study. There will be a feasibility study into the establishment of an income contingent loans scheme to help students who have to move away for practical placements in their chosen professions.

This is good news for hopeful tertiary students in the Orange, Blayney, Bathurst, Oberon and Lithgow local government areas, as well as those from east of Molong in Cabonne who are looking to attend university in 2012. Students who began university in 2010-11 have had to suffer at the hands of a government with bad plans and bad policies. The government have only recently discovered how bad their mistakes can be for regional people.

Taxpayers now have to foot the bill to reintroduce changes and essentially to clean up Labor's mess. Had this government listened to the coalition in the first place, listened to the students, listened to the mothers or listened to the teachers, much of this problem could have been avoided. We as an opposition have raised this issue numerous times in parliament. We have moved motion after motion and introduced amendment after amendment trying to rectify the Labor government's destruction of the youth allowance scheme. All attempts were blocked—rejected by members opposite, mostly with the help of two independent MPs who are supposed to be in this place to stick up for regional Australia.

I find it quite incredible that the government are standing up in an apologetic way almost trying to skite about all they have done when the same part of the legislation which was taken away and is now being returned could have been returned at numerous times when the coalition's Social Security Amendment (Income Support for Regional Students) Bill sought to reinstate the same fair criteria that apply to other regional students, but it was disallowed by Labor with the help of the independent members for Lyne and for New England. An amendment to appropriation legislation in early March would have done the same thing, but it was defeated by Labor with the support of the members for Lyne and for New England. An amendment to appropriation legislation in early March would have done the same thing, but it was defeated by Labor with the support of the members for Lyne and for New England. When a similar amendment to the Families, Housing, Community Services and Indigenous Affairs legislation was introduced in March, it was again defeated by Labor with the support of the members for New England and for Lyne, although it was attempting to reinstate the same issue. A similar notice of motion in the House of Representatives in June this year was again defeated by Labor with the support of the members for Lyne and for New England—those same two independent members who now stand in the House saying how great this is. I guess only they and their electorates can figure that out, although perhaps their electorates are somewhat puzzled as well.

When I think of the need that regional Australia, our communities and sections of them—and I speak as a member with a large percentage of Aboriginal or Indigenous people in my electorate—have for Aboriginal nurses, teachers and, in particular, police officers, who mostly need tertiary or university education to achieve those aims, I ask: why would you want to
discourage that? Why in heaven's name would you want to make a hard pathway even harder?

The previous speaker talked about how proud he was of his government's record of looking at regional universities. We all know the best way to have trained and professional people in your regional communities is to train your own. I say to the previous speaker and his government, especially the ministers for education, employment and workplace relations and the Minister for Regional Australia, Regional Development and Local Government that if they want to do something for regional universities, they should listen very carefully to the application by CSU in Bathurst to start up a medical school in Orange. That would make it one heck of a lot easier for country kids to be trained in regional Australia.

I did not go to university. I would always use experience before I would use education when employing somebody. But I do realise just how important it is. I do realise that, in this day and age, if you want to have a registered nurse or a teacher, or a policeman or woman who is going to get far in the police force, they have to go to university. Regional Australia needs these places and these people more than anyone. I will probably never be able to comprehend why people come to this place and say, 'We're here to get a decent deal for regional Australia, because those who profess to aren't,' stand in this place and numerous times vote against their own people with this Labor government. That is something I cannot and will never understand. I am quite sure I am in good company with all their constituents.

This is something that we stood by. This is something that the kids, the students, the parents and the teachers have to be congratulated for not backing down on. My colleagues did not back down on it. Thank heaven that finally the former minister who brought this problem forward has backed down as Prime Minister and that now, as of 1 January next year, kids can get back that which they had before and regional Australia can perhaps look forward to a few more nurses, a few more teachers and a few more good police officers.

Mr COULTON (Parkes—The Nationals Chief Whip) (13:38): I too rise this afternoon to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. While it is with some degree of satisfaction that I rise to acknowledge that this bill will correct an anomaly in delivering outcomes for regional students, it is very frustrating that it has taken two years to get to this point. It has probably been the single issue that has carried the highest level of interest from my electorate for the last two years, because I think education is the basic fundamental that people in Australia strive for for their children. Education is the pathway to cure most of the other problems that we deal with in Australia, particularly in regional Australia; education gives people a pathway to provide better health; education gives people a better understanding with regard to lawlessness; education is the tool that enables people to gain employment; and regional Australia has been taking second fiddle to the metropolitan areas. Even as I stand here today, a student in regional Australia has about half as much chance of completing their tertiary education as their city counterparts.

One of the great frustrations is that this was obvious two years ago. This was pointed out when the current Prime Minister was Minister for Education, and it was only through pig-headedness and stubbornness that this situation was not fixed some time ago. It was brought about by a basic lack of
understanding of how regional Australia is different from the cities. You cannot live at home with your parents in regional Australia and attend a university, except on very rare occasions. So the campaign has carried on.

There was a change about 12 months ago that changed it for outer regional students, which did encompass a lot of the students in my electorate, but the towns of Mudgee and Dubbo until now have missed out. People think of students from regional Australia and they think they may be from far-flung properties or remote villages, but 84 per cent of the people in my electorate, one of the most regional electorates in Australia, are urban dwellers. So it was the students that were living in Dubbo and Mudgee—the sons and daughters of schoolteachers, police officers, council workers and all those people that are vital to provide services in those larger regional towns—who were being disadvantaged. I had parents come and see me during the last two-year period saying they had got to the point where they would have to decide as a family which of their children they thought had the aptitude for a tertiary education and which of them did not. Then they would put the resources of that family into one of their children and not the other. In 2011, I think that is an absolute disgrace.

I find it very frustrating that, at various opportunities we have had in the last two years to rectify this problem, we have not got the support. We have had regional members on the side of the government that would understand the problem but were not prepared to speak out against their leader. We have had behind me here the so-called Independents who are so glued to their coalition partners that, every time this opportunity came up, they supported the government in this. I think it is to their everlasting shame that they did not stand up for the students in their electorates.

One of the problems with this is that this is not the perfect system for funding regional students. I actually believe this parliament can do better for regional students. I think there is a case to be argued for a regional access allowance so that all students that do not live near a university have the same opportunities as those that do. So I do not think this is the perfect fix, but it is not a bad system. This is for a couple of reasons.

What was happening—and students will be able to do it now with this change—was that students would leave school and go and get a job for 12 months. After 18 months—six months into their university course—they would be eligible for independent youth allowance and the payments would come through. In a city area, those students could probably get a regular job where they could go and work their 30 hours a week to earn that money and still be eligible, but in the country a lot of the work is seasonal. So these young adults were leaving school and going off and picking grapes or other fruit, driving a header during the harvest season or working in abattoirs stacking meat—a whole range of seasonal-type work. So, in that period of time, they not only got to learn the value of a hard day's work but also got the opportunity to have a few bob that they had earned in their pocket and become independent, as this says. Also, quite often I found that during that 12-month period they would reassess where their priorities lay. I know some students, after working for 12 months, would then chart a different course and go into a different line of study.

So it has worked quite effectively, and it is good to see this returned. It has not returned in its original form. There still are issues with an income cap on parents and on two working parents in an inner regional area. That is a problem.
The DEPUTY SPEAKER (Hon. Peter Slipper): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour and the honourable member for Parkes will have the opportunity to continue his remarks.

STATEMENTS BY MEMBERS

Ryan Electorate: NAPLAN Testing

Mrs PRENTICE (Ryan) (13:45): I rise to congratulate schools in my electorate of Ryan for the hard work and diligence that has resulted in their success in the recent NAPLAN testing. These schools are listed among the 10 highest performing schools in Queensland. They are Chapel Hill State School, Rainworth State School, St Peter's Lutheran College and Brisbane Boys College. In addition, we have three neighbouring schools: Mater Dei, St Aidan's and Hillbrook. I would also like to commend the year 7 students at Ironside State School, who rated among the top performing schools in their year bracket. I know that the principal of Chapel Hill State School, Mr Stewart Jones, the brother of the member for Herbert, is very proud that 100 per cent of the school's students are at or above the national minimum standard in 12 of the 15 categories. Parents, teachers and students must all be congratulated on working as a team to achieve these outstanding results.

The NAPLAN tests help to chart a student's improvement over the period from their early schooling, in year 3, through to the beginning of the teenage years, with the final testing done in year 9. I look forward to seeing the results of this year continue throughout these cohorts' schooling. These outcomes demonstrate that schools are maintaining high levels of literacy and numeracy among their students, which is integral to providing a firm educational foundation from which to improve and grow. Strong results are reflective of a strong community. I congratulate the people of Ryan for building such a healthy and cohesive environment within which our young people can learn and develop.

Launceston Football Club

Mr LYONS (Bass) (13:46): 24 September was a momentous day for the Launceston Football Club. Launceston not only became the first side from the electorate of Bass to win the premiership in the new Tasmanian state football league but also won the premiership in the Colts as well as receiving many of the five individual player honours.

But I want to focus on the achievements of an individual who does not collect the headlines like the players do but is every bit as important. Raelene Giblin won the joint AFL Tasmania club Volunteer of the Year Award, along with Alan and Annette Richards of the Clarence Football Club. It was a just reward for Raelene after 24 years of dedicated service to the Launceston Football Club. A tireless worker, Raelene provides dinner for the players every Thursday night during the season, works in the canteen on match days and even mends the players' jumpers during the week. This external recognition of her contribution demonstrates what a fine servant she has been for the club. I take this opportunity to congratulate Raelene on her achievement. Volunteers like her are the lifeblood of our local footy clubs. Without them, the clubs would cease to function. Thank you, Raelene Giblin. I wish you many more years to come.

Bennelong Electorate: Young Achievers in Sport

Mr ALEXANDER (Bennelong) (13:48): I rise to recognise two high achieving athletes in my electorate of Bennelong, one with a name that is famous in tennis and another with a name that will become famous in tennis. Amy Court, an 11-year-old...
grade 6 student from Epping North Public School, is a track and field star. At a recent school carnival Amy came first in the 100-, 200- and 800-metre races as well as the high jump and long jump, setting records in each event. She has been chosen to represent New South Wales in a trans-Tasman tour to Auckland, and my office is assisting her in raising funds for the trip.

Matthew Tanza, a 15-year-old year 10 student at Epping Boys High, is a rising star of the tennis court. He has already represented Australia in European competitions over the last three years. Last week I played tennis against Matthew. Time has hurt my performance and he showed me exactly how far I have slipped. I maintain that the game was closer than the score indicated—but how close can 6-0 be! I trust that these two young stars will enjoy just competing and participating in sports and all that that brings with it.

**Australian Rugby Choir**

Ms BRODTMANN (Canberra) (13:49): Even though, unfortunately, we did not win the Rugby World Cup—and I congratulate New Zealand for their great efforts—I rise today to acknowledge the tireless work of the Australian Rugby Choir here in Canberra. The Australian Rugby Choir is a group of men of all ages who have been together for nearly 15 years. They sing at every community event imaginable in Canberra—from service memorial days to charitable events to rugby matches. In fact it was their love of rugby and of singing that brought the choir together. The Australian Rugby Choir aims to encourage community appreciation of choral music and men's choral harmony. The choir also educates members in the art of choral singing. With a range of 208 songs—from opera to rugby songs to traditional Welsh songs to Christmas carols—the choir can perform at just about any event and tailor a suitable repertoire for any event.

Yesterday I opened the Global Kitchen at Lyons Primary School to kick off the week-long Woden Alive celebration. Woden Alive brings together the Woden Valley community for a range of events, culminating in a celebration this Saturday at Eddison Park. Part of the festival will be a performance by the Australian Rugby Choir—frankly, it would not be a Canberra festival without the choir singing. Again, I would like to thank all members of the choir for their contribution and devotion to the Canberra community and 'the game they play in heaven'. (Time expired)

**Melbourne Cup 2011**

Mr CRAIG KELLY (Hughes) (13:51): Tomorrow, for the race that stops the nation, many punters will follow the form and others will look at the state of the track. But others will simply look at the horses' names for an omen bet—and in this year's field there is certainly plenty of choice. With the American President due in Australia in a couple weeks, the favourite, Americain, despite the wide barrier draw, looks a good omen bet.

But there are others. After the spending policy of this government, Drunken Sailor is surely worth a look. And do not overlook Modun, named after a former Mongolian emperor who in the year 209 BC seized power after shooting an arrow into the back of a former leader. Now, there's an omen bet if ever I have seen one! And then there is Tullamore, named after a beautiful town in the Central-West region of New South Wales. Tullamore is just a couple of stops along the train line from Bogan Gate, so I would expect to see some late money coming in from the office of the Minister for Foreign Affairs. Fox Hunt must also be in with a show as most are predicting the traditional
Labor leadership fox hunt will commence at any time. Then, of course, there is Jukebox Jury, after receiving a lot of support from New South Wales Labor MPs inspired by their colleagues in the New South Wales parliament hitting the random select button to choose their Premier on many occasions. So there are six for a box trifecta for tomorrow’s Melbourne Cup: America, Drunken Sailor, Modun, Tullamore, Fox Hunt and Jukebox Jury—six great omen bets.

Commonwealth Youth Forum

Ms PARKE (Fremantle) (13:52): Last week Perth hosted the very successful Commonwealth Heads of Government Meeting as well as parallel business, peoples and youth forums. The Commonwealth youth forum was held in Fremantle, attended by young people from most of the Commonwealth countries. I was proud to attend a number of events associated with that forum, including the welcome barbecue and the opening ceremony at the Esplanade Hotel, a formal dinner at the Fremantle Town Hall, a lunch with guest speaker Michael Kirby at Notre Dame University, an informal afternoon at Kidogo arthouse in Fremantle and the closing ceremony last Thursday. Finally, as the representative of the Minister for School Education, Early Childhood and Youth, I attended the youth dialogue between youth delegates and a number of heads of government from countries including the United Kingdom, South Africa, Nigeria, Tonga and Belize.

The youth forum produced a communique with the core recommendation that the Commonwealth Heads of Government support the establishment of an independent youth-led governing body to oversee the administration of a youth development fund. Other very practical recommendations related to peace building and conflict management; health, including that Commonwealth states should address the impacts of climate change on global health; youth; ICT and sustainable livelihoods; environmental sustainability; and youth participation in decision making.

Young people make up half the population of the Commonwealth—that is, 1.2 billion youth. From what I saw at the forum, the Commonwealth's young leaders are its most valuable assets. They have intelligence, ideas, energy and commitment and they represent the hopes for our planet's future. I look forward to seeing future Commonwealth interactions and decisions involving genuine partnerships with youth.

Small Business

Mr BILLSON (Dunkley) (13:54): Not only do I hope that Melbourne Cup day tomorrow is a great day for all but also I will be cheering on the small business community in the hope that they can see Governor Glenn Stevens and the Reserve Bank board make small business their business. I hope, with that insight in mind, the winning bet for Tuesday will be shot in the arm for the small business community and the retail economy—all those small traders and family enterprises struggling under a very difficult economic climate. I hope they have something to cheer about after cup day on Tuesday.

Another small business issue that is of major concern, though, is the impact of the government’s changes in the childcare sector. Whilst we are seeing in many respects positive moves in the way in which the profession is being recognised and the enormous contribution of childcare workers being embraced and properly rewarded, there is a particular challenge in the way in which the government is going about these changes. The new ratios are making viability of real concern for a number of private sector
childcare operators who are very conscious of the cost-of-living pressures on Australian families and know that the estimated cost impact of $6 to $7 per day passed on to families, even with the prospect of a rebate, will see a $15 to $25 a week increase for the cost of child care. But, in my own electorate, the not-for profit Lakewood Childcare Centre also is facing these challenges. We need to be mindful of how these transitions are handled to make sure these centres are—

(Time expired)

Jolly, Mr Bruce

Mr ZAPPIA (Makin) (13:55): On Monday, 3 October, I attended the official naming ceremony of the Bruce Jolly Grandstand at the Salisbury Oval. Bruce Jolly passed away on 6 June 2009 and, in a very fitting recognition of his lifelong association with cricket, the grandstand was named in his memory. I knew Bruce for a long time and, having often been caught up in his ideas and projects, I can attest to his commitment and influence on cricket in South Australia and sport more broadly.

Bruce played cricket as a youngster and in his adult life devoted much of his time to the Salisbury Cricket Club, which later became the Northern Districts Cricket Club, otherwise known as the Northern Jets, to the Para Districts Cricket Association and to the South Australia Cricket Association, never missing an opportunity to promote the game and broaden community participation in it. Bruce had the good of cricket at heart and he used his extraordinary knowledge and connections in cricket to mentor and guide young cricketers.

Not surprisingly, there was a large turnout for the grandstand dedication ceremony. It was an emotional occasion for Bruce's family, many of whom were present on the day, particularly for his wife Judy, his son Harvey and his brother Jim. I was able to speak to all of them on the day. I know they were most appreciative that Bruce's tireless work for cricket had been recognised and memorialised with the naming of the Bruce Jolly Grandstand and that his spirit will live on at Salisbury Oval where he had spent so much of his life.

SIDS and Kids Northern Territory

Mrs GRIGGS (Solomon) (13:57): I have just been announced as the patron for SIDS and Kids Northern Territory. SIDS and Kids Northern Territory is a community based organisation dedicated to saving the lives of babies and children during pregnancy, birth, infancy and childhood and to support bereaved families. I am absolutely delighted and honoured to accept this role because supporting SIDS and Kids is a wonderful thing that I can do. I look forward to working with this organisation and the other patrons to raise much needed awareness of unexpected deaths in infancy.

In 2007 and 2008, the Northern Territory had the highest rates of SIDS or undetermined infant deaths per population in Australia. SIDS and Kids Northern Territory is the only organisation in the Territory providing specialist education and grief support for sudden and unexpected deaths in infancy. I will be working with the organisation to raise much needed funds and to support vital education, counselling and grief services throughout the Northern Territory. The Territory faces major financial, geographical and cultural changes in providing education and counselling services. Sadly, Indigenous people suffer higher rates of infant mortality. Many factors have contributed to the Northern Territory having the highest rates of SIDS or undetermined infant death during 2007-08, where the figures were almost twice the national average.
Wadley, Ms Deanna

Mr Lyons (Bass) (13:59): I rise to congratulate a young athlete from my electorate of Bass, Deanna Wadley. She has been nominated for the Examiner newspaper's Junior Sports Award in the female individual category. Deanna has been competing in athletics since she was five years old. She recently won gold in the long jump at the Australian Little Athletics Championships held in Sydney, a terrific accomplishment for a young Tasmanian athlete.

Deanna is a very modest young girl. She thinks her main attribute is being able to help out others. She is selfless and her willingness to help others goes a long way. She has been club captain of the Glen Dhu Little Athletics Club for the last four years and also girls captain of the Tasmanian Little Athletics Team. I congratulate Deanna on her recent success at the Australian Little Athletics Championships and wish her all the best for the future. I am sure she has a great career in athletics and as a leader in the Tasmanian community ahead of her.

The Speaker: Order! The time for members' statements has expired.

CONDOLENCES

Birt, Corporal Ashley
Duffy, Captain Bryce
Gavin, Lance Corporal Luke

Ms Gillard (Lalor—Prime Minister) (14:00): I move:

That the House record its deep regret at the deaths on 29 October 2011 of Captain Bryce Duffy, Corporal Ashley Birt and Lance Corporal Luke Gavin during combat operations in Afghanistan, place on record its appreciation of their service to their country and tender its profound sympathy to their families in their bereavement.

Saturday was a bitter day for Australia in Afghanistan. Captain Bryce Duffy, Corporal Ashley Birt and Lance Corporal Luke Gavin were killed in action in Afghanistan. Seven Australian soldiers were also wounded in this attack. They are receiving the best of medical care. Today in this place we share our small part in the great grief of three Australian families, knowing only a small part not just of their loved ones' sacrifice but also of their loved ones' service. This was Captain Bryce Duffy's second deployment to Afghanistan with the Mentoring Task Force. He also served on Operation Yasi Assist earlier this year. Like every member of the Australian Defence Force he was a proud volunteer. He volunteered for this tour of duty in Afghanistan as well, at short notice after a fellow officer was wounded in action. He was a Townsville based officer of the 4th Field Regiment Royal Australian Artillery. Captain Duffy is survived by his wife, his mother and family.

Corporal Ashley Birt was on his first deployment to Afghanistan. He had previously served in the Solomon Islands and was part of Operation Queensland Flood Assist in Queensland in January. Nambour born and Brisbane based, Corporal Birt is remembered by his mates as a great bloke, a larrikin who was always smiling, and as a proud sapper. He will not be forgotten by the corps. Corporal Birt is survived by his parents and by his brother.

Lance Corporal Luke Gavin served three tours in East Timor and was on his first deployment to Afghanistan. He was a skilled soldier, a valued member of his unit, the 2nd Battalion RAR based in Townsville. Lance Corporal Gavin put duty first. He is survived by his wife and their three children.

If I can echo the Chief of Defence Force's words, it is critical that we show restraint and reserve our judgments until the investigation
of this incident is complete. What we do know is this: this was an attack on Australia and on Afghanistan. One Afghan soldier is dead alongside three Australians. Australia's parliament does not forget his sacrifice today, nor his family's grief. Two other Afghan interpreters and an Afghan National Army soldier were wounded alongside the seven of our own. Our partners in the 4th Brigade, our Afghan partners, are shocked and horrified by what has occurred. The Afghan National Army is a force of some 300,000 soldiers—a force making steady progress like the nation it serves. We must not allow this attack—an attack like this one—to strike at the core of our training and mentoring mission in Afghanistan. The government will not judge the progress of our mission by any one incident or any one day, no matter how bitter. There have been days of progress and days of sorrow in this war. On all those days Australia's national interests in seeing the mission through in Afghanistan have been very real. There must be no safe haven for terrorists. We must stand firmly by our ally the United States. And every day we stand firmly by our troops.

Ours is an army, defence force and defence community, which is more than worthy of the people it serves. They are there for our nation on our nation's hardest days. Today we say that we will be there for them on their hardest days too.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:05): I rise to support the gracious words of the Prime Minister. The whole nation is indeed grieving for these three fine Australians apparently gunned down by an Afghan soldier. Our thoughts and prayers are with the families of Captain Duffy, Corporal Birt and Lance Corporal Gavin, and also with their seven wounded comrades.

The element of betrayal makes these deaths particularly tragic. Australians are entitled to be dismayed that our allies cannot entirely be relied upon, but this is a reflection more on the malice of the enemy than on the merits of our cause. It is freedom's fight that our soldiers are embarked upon. They and their mission, as you would expect, continue to be supported by the coalition.

Honourable members having stood in their places—

Debate adjourned.

Reference to Main Committee

Mr ALBANESE: by leave—I move:

That the order of the day in relation to the deaths of Captain Bryce Duffy, Corporal Ashley Birt and Lance Corporal Luke Gavin be referred to the Main Committee.

Question agreed to.

MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (14:07): I inform the House that the Minister for Defence will be absent from question time until Thursday as he is attending the Five Power Defence Meeting in Singapore and Malaysia. The Minister for Veterans' Affairs and Minister for Defence Science and Personnel will answer questions on his behalf. The Minister for Climate Change and Energy Efficiency will be absent from question time to day due to personal reasons. The Minister for Infrastructure and Transport will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Qantas

Mr ABBOTT (Warringah—Leader of the Opposition) (14:08): My question is to the Prime Minister. I refer the Prime Minister to the 48 hours of airport chaos that she could have prevented, and I ask: why didn't she immediately terminate this dispute without reference to a tribunal, as she could have
under her Fair Work Act, thereby avoiding so much damage to hundreds of thousands of Australians and so much damage to Australia's international standing?

Ms GILLARD (Lalor—Prime Minister) (14:08): Can I say I am unsurprised by the Leader of the Opposition's question, coming as it does with the Leader of the Opposition showing his usual negativity. He has played politics over the last few day—

Mr Laming interjecting—

Ms GILLARD: as the government has pursued the national interest and ensured through our swift action that Qantas planes are returning to the sky today, that industrial action is at an end and that the parties will now be brought together in a conciliation— and if that conciliation is unsuccessful then an arbitration, a determination by Fair Work Australia, will occur.

Opposition members interjecting—

Ms GILLARD: So what the government has assured by its swift action is that industrial action is over and that—

Mr Laming interjecting—

The SPEAKER: Order! The Prime Minister was asked a question. The Prime Minister is responding to a question. It is not an invitation for those on my left to canvass everything under the sun. The member for Bowman is warned.

Ms GILLARD: I again make the point that the course of action the government embarked on has given us the results we wanted to see, which is an end of industrial action and Qantas planes taking back to the sky so that people can proceed on their travel plans with certainty. I have been very concerned about the circumstances of stranded passengers. As I have said publicly and am happy to repeat in this place, I view Qantas's action on Saturday as extreme. I view it as extreme because they stranded tens of thousands of people around our nation and around the world. With the industrial action now at an end, those passengers can start seeing Qantas planes flying again and be able to resume their journeys.

During this period in which the government has been acting and attending to the national interest, of course the Leader of the Opposition has been playing his usual negative politics. In particular, the Leader of the Opposition has been seeking to make political points about section 431 of the Fair Work Act. As usual, the Leader of the Opposition grabs onto the politics but he never does any of the work that would be necessary in order to actually analyse the situation and act in the national interest. The Leader of the Opposition never bothered to turn his mind to the national interest.

Let me, for the purpose of the parliamentary record, explain to the Leader of the Opposition the workings of section 431 of the act. This is a section of last resort. It appears in the Fair Work Act and it appeared in earlier legislation. It has never been used. A minister cannot use it until a minister is satisfied that there is a high threshold of significant damage to the national economy—the same test that Fair Work Australia directed itself to. The claims that the minister could have used this section prior to the escalation of the industrial dispute on Saturday are wholly untrue, and anybody who provided him with legal advice to the contrary would have been providing him with the wrong advice.

The dispute escalated on Saturday. I would say to the Leader of the Opposition that the power under section 431 is capable of judicial review. It has never been used before. It would have taken us into wholly new legal terrain, so we determined on Saturday to use section 424—which has been effective—to get the result we wanted, which
was to get planes back into the sky. I would also note on the record for the purpose of completeness that we were advised by the relevant department that in these circumstances the appropriate section to use was section 424. The Leader of the Opposition obviously wanted to get the nation on a journey of potentially never-ending litigation. I wanted to get this dispute resolved, and I have done so.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:13): Mr Speaker, I have a supplementary question. Once the Prime Minister was aware of what was about to occur at 5 o'clock on Saturday afternoon, why didn't she just pick up the phone to Alan Joyce and ask him not to ground the fleet? Was this too hard for you, Prime Minister?

Ms GILLARD (Lalor—Prime Minister) (14:14): I thank the Leader of the Opposition for his question because it enables me to clarify here, on the public record, some of the things which have been claimed by the opposition which are wholly untrue. Let me make sure that the Leader of the Opposition actually understands what happened with this industrial relations dispute, because he is too involved in his cheap politics against the national interest to analyse the facts, analyse the circumstances and analyse the law. The only thing that the Leader of the Opposition ever knew about workplace relations was Work Choices and ripping workers off. To the Leader of the Opposition—a man given to things like boat phone, might have spent endless days chat, chat, chat, as thousands of passengers were stranded—might have done that. What I preferred to do was act. I determined immediately that the government would act, that we would intervene in this dispute.

Mr ABBOTT: Mr Speaker, I rise on a point of order. It was a pretty simple question: why did she not call Alan Joyce and ask him not to ground the fleet?

Ms GILLARD: I know the facts are always very inconvenient for the Leader of the Opposition but these are the facts: on Friday Qantas was indicating publicly that it was still involved in negotiating this dispute; on Saturday, around 2 o'clock, Qantas advised government ministers, particularly the minister for transport, that Qantas was grounding the planes at 5 pm—

Mr Dutton: Why didn't you call?

The SPEAKER: Order! The member for Dickson is warned.

Ms GILLARD: The CEO of Qantas advised particularly the minister for transport around 2 o'clock that planes would be grounded at 5 o'clock in preparation of a lockout. The CEO of Qantas made it perfectly clear to the minister that he was not requesting that the government do anything, that he was not seeking to discuss the matter, that the decision had been made by the Qantas board and the decision would be implemented. So in the face of that advice when I received it from relevant ministers, rather than talk, I acted. The Leader of the Opposition—a man given to things like boat phone, might have spent endless days chat, chat, chat, chat, as thousands of passengers were stranded—might have done that. What I preferred to do was act. I determined immediately that the government would act, that we would intervene in this dispute.

Mr Hartsuyker interjecting—

The SPEAKER: Order! The member for Cowper is warned.

Ms GILLARD: We made application to Fair Work Australia very quickly. An urgent hearing commenced on Saturday night. That hearing continued yesterday. It concluded in the small hours of this morning with a decision that industrial action be ceased.
With industrial action now finished, this means that the substance of the Qantas dispute will either be addressed by the industrial parties through a conciliation or will be arbitrated by Fair Work Australia if the industrial parties within a 21-day period do not sort out the dispute. I know the facts do not suit the Leader of the Opposition's cheap politics. I know that he has had as many positions on industrial relations as he has had on climate change. But at base the only thing that is ever motivating him is cheap politics and working out how he can justify a return to Work Choices. That is all this is about.

Qantas

Mr CHAMPION (Wakefield) (14:18): Will the Prime Minister inform the House of the importance to the national economy of getting Qantas planes back in the air and Qantas workers back to work?

Ms GILLARD (Lalor—Prime Minister) (14:18): I thank the member for the question. I know that he and members of the government have been motivated at all times by the national interest. I will be very clear about this. On Saturday we saw an escalation of the Qantas dispute. We saw Qantas take extreme action. Qantas had alternatives. I have made it very clear to the CEO of Qantas that I do not believe this extreme action should have been taken. I do not believe that Qantas should have acted to leave tens of thousands of Australians stranded effectively without notice around Australia and in many other parts of the world. When Qantas advised the government that it was determined to take this course, that it was implementing grounding the planes at 5 pm on Saturday in preparation of a lockout of its workforce, the government concluded that this would be a course of action that could cause significant damage to the national economy and that the course the government should take is to intervene in the dispute.

We did intervene in the dispute and now the result is there for all Australians to see. Industrial action has been terminated and Qantas flights, during the course of this afternoon, will start returning to our skies. With Qantas flights returning to our skies from this afternoon, Qantas will commence working as normal over the next few days, its employees will commence working as normal, and that normal work pattern will continue. Industrial action has been terminated. The industrial parties now have an opportunity to sort the dispute out and, if they do not sort the dispute out, then at the end of 21 days Fair Work Australia can impose an outcome on them.

Throughout all of this, the priority of the government has been the circumstances of Australians who have been stranded in many parts of the country and overseas who have had to face up to that inconvenience. Of course we did take steps to ensure that we were providing consular assistance to those Australians who were stranded overseas. Our focus has also been on the national economy and the fact that industrial action has now been terminated is not just a win for passengers who were stranded, who will now see Qantas flights taking to the skies, it is a win for the one million Australians who work in the tourism industry. We were particularly concerned about their circumstances with the action by Qantas on the weekend.

The government, on Saturday afternoon, determined to intervene in this dispute because it was in the national interest to do so. Our swift intervention has ensured that industrial action is at an end. Our swift intervention has ensured that employees are
back at work and that Qantas flights are starting to take to the sky. We have been motivated every step of the way by the interests of the national economy and by the circumstances of stranded passengers. It is a pity that the opposition is only motivated by the playing of cheap politics and the making of incorrect claims.

Qantas

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:22): My question is to the Prime Minister. Given the damage that the Prime Minister must have known would occur to the travelling public as a result of what the government had been warned about at 2pm on Saturday, why did the Prime Minister not call the CEO of Qantas to see if the action could be averted? If she did not speak to the CEO of Qantas, has she spoken to union boss Tony Sheldon about this matter?

Ms GILLARD (Lalor—Prime Minister) (14:22): I can only assume from the nature of this questioning that the opposition have got up this morning and read the newspapers but they have not done anything else, because they appear to be referring to an incorrect report in today's newspapers that Alan Joyce himself has today corrected on the public record. Alan Joyce has verified today that he was not seeking to speak to me on Saturday afternoon, that he contacted the government for the purpose of advising the government of the decision of the Qantas board to ground flights at five o'clock. That is the circumstance here—as much as the game playing from the opposition continues.

The SPEAKER: Has the Prime Minister concluded? The Prime Minister has resumed her seat.

Ms Julie Bishop: Mr Speaker, on a point of order: I am not asking the Prime Minister about whether Alan Joyce called her; I am asking the Prime Minister why she did not call the CEO of Qantas and whether she has spoken to Tony Sheldon.

Honourable members interjecting—

The SPEAKER: Order! The Prime Minister has the call. She will be heard in silence.

Ms GILLARD: They are all feisty in pursuit of Work Choices again. Let me make it very clear what happened on Saturday afternoon and very directly answer the Deputy Leader of the Opposition's question. Given her noted advocacy of Work Choices, I will make sure I do answer it. On Saturday afternoon, the government was advised by Qantas that it had determined to ground the planes. The advice from Qantas was crystal clear that they had made the determination to do so. They were not consulting with the government; they were not asking the government to do anything. They were grounding the planes at five o'clock—no ifs, no buts, no maybes; they were grounding the planes. In the face of that declaration by Qantas that they were grounding the planes, the government acted. Maybe the Leader of the Opposition would have spent days and days and days in talks as people were stranded around the country. I preferred to act. I did act and, as a result, industrial action is at an end.

On the question of telephone calls to the industrial parties, I have today spoken to a number of the industrial parties and I have made it perfectly clear to them, including Alan Joyce—

Ms Julie Bishop interjecting—

Ms GILLARD: and including Tony Sheldon—I thank the Deputy Leader of the Opposition—that my expectation and the expectation of the government, having successfully acted to end the industrial action and get Qantas planes back in the sky, is that the industrial parties now get around a table and get this dispute fixed. I say to those...
industrial parties, as I have said to them in those telephone calls and as I said not long before coming to question time at a media conference, I believe the obligation now rests equally on each of their shoulders to get around a table and get this dispute sorted. My predisposition when faced with the circumstances I saw on Saturday was to get it fixed and I have.

Qantas

Ms RISHWORTH (Kingston) (14:26): My question is to the Minister for Infrastructure and Transport. Would the minister update the House on what steps the government is taking to get Qantas planes back in the air?

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (14:26): I thank the member for Kingston for her question. The government's priority has absolutely been to get Qantas back in the air, and overnight we have achieved just that. Upon receiving notification from Qantas after 2pm on Saturday, this government acted. Firstly, we engaged with CASA. Given the safety issues that had been raised by Qantas, we confirmed with CASA that there were no grounds as far as they were concerned for the grounding of the airline at five o'clock that afternoon. There were no grounds whatsoever from the air safety regulator for the action that Qantas unilaterally took at their board meeting on Saturday morning. Unlike the Patrick dispute—where you had a collaboration and a conspiracy with the government, with people being trained in Dubai—this was a unilateral action by an employer to lock out its workforce on Monday at 8pm, in spite of the fact that the only industrial action which was pending was pilots wearing red ties and making announcements to passengers on aircraft. We confirmed that that was the case. We applied for an urgent hearing before Fair Work Australia. I had a discussion with the Prime Minister and we had discussions between ministers.

After 5pm, after the announcement by Mr Joyce, I spoke with the CEO of Virgin Australia, John Borghetti, who indicated he would assist. Indeed, Virgin Australia provided 3,000 extra passenger seats between the announcement by Qantas and the close of business on Saturday, an extra 3,500 seats yesterday and an additional 3,000 seats today. I thank Virgin Australia for coming to the party in aid of stranded Australians. We also established a task force in my department to work with the industry and other government departments to facilitate the movement of stranded passengers and to work through the safety and regulatory issues that were required. Following the decision by Fair Work Australia, the parties must now get on with making a deal, and Qantas planes need to get into the air. I can inform the House that CASA received the Qantas safety paperwork at 10.23 this morning. A CASA safety team is currently reviewing this material, assessing serviceability and sequencing of returning aircraft. CASA have allowed Qantas to conduct positioning flights—that is, flights without passengers moving to their points of departure—once RPTs can be resumed.

Qantas has today publicly advised that maintenance staff have worked well to clear the backlog of work and to ensure that the Qantas fleet is ready for operation as soon as possible. CASA have advised my department that at this stage it appears that flights could be up as early as 3 pm this afternoon. Given the large numbers affected, Sydney to Melbourne is the priority. International flights are expected to resume from London this evening, and my department and CASA estimate that Qantas will be at full operation
on Wednesday. Safety will remain the priority for the government in getting Qantas back into the air.

Qantas

Mr ABBOTT (Warringah—Leader of the Opposition) (14:30): My question is to the Prime Minister. Why was the Prime Minister prepared to call Alan Joyce and Tony Sheldon today, after the event, but not on Saturday—when she could have avoided all this pain to so many hundreds of thousands of Australians?

Ms GILLARD (Lalor—Prime Minister) (14:31): What we see in that question is absolutely typical of the Leader of the Opposition. He comes in here and makes allegations based on no facts, because he is always interested in playing politics. I would make this observation: the happiest people in this nation when Fair Work Australia made its decision overnight were the travelling public who were stranded. The unhappiest people in this nation were the opposition, because it was going to wreck their strategy to play negative politics today. To the Leader of the Opposition I say: what a ridiculous question. As he well knows, from every public statement by Alan Joyce, the CEO of Qantas, Qantas had made a determination to ground planes at 5 pm.

Mr Pyne: Mr Speaker, I raise a point of order. How can the Prime Minister's answer be relevant to a question about why a phone call would have changed Qantas's determination to ground the fleet on Saturday. In asserting that, he is flying directly in the face of everything that Qantas has said about the reasons that it acted on Saturday. So who he is insulting by this conduct is actually not me. He is insulting the people at Qantas who were putting forward their argument in the public domain about why they acted. The people he is verballing are people like Alan Joyce, the CEO of Qantas. But, of course, treating people decently and respectfully is never high on the Leader of the Opposition's menu. The attitude that the Leader of the Opposition is taking today is to deliberately to create a falsehood in order to pursue his political negativity.

What the Leader of the Opposition actually cannot stand about all of this is that the fair work system did what it needed to do to get industrial action terminated. He cannot stand that. The reason he cannot stand that is that he hoped that this Qantas dispute would add to his political campaign to sow doubts about the fair work system, to soften the ground for Work Choices. That is what he is on about. I did speak to the industrial parties today. I acted on Saturday to get the industrial action terminated. It was terminated this morning. Following its
termination, I spoke to the industrial parties
to tell them to get around a table in this 21-
day period, to do it early and to get this
dispute fixed. To the Leader of the
Opposition, who is now in here with his
carry-on: I really do wonder where he was
for all of the years of the Howard
government. I remind him of someone called
Peter Reith—

An honourable member: Did you vote
for him?

Ms GILLARD: No, I don't think he did
vote for him, as it happens. Maybe he is
trying to forget who Peter Reith is. He
certainly forgot to vote for him. The
traditional disposition of the Liberal Party on
these questions is against intervention in
industrial disputes, and Peter Reith has made
that absolutely clear. Indeed, in their days in
office, the only time they intervened in
industrial disputes with enthusiasm was
when it was accompanied by dogs and
balaclavas on the waterfront. We stand for
fair work and a fair work system which is
working. They stand for ripping off working
people, and Mr Work Choices is shouting
out his enthusiasm for doing that all over
again.

DISTINGUISHED VISITORS

The SPEAKER (14:36): I inform the
House that we have present in the gallery
this afternoon members of a parliamentary
delegation from the National People's
Congress of the People's Republic of China.
On behalf of the House, I extend a very
warm welcome to our visitors.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Qantas

Mr BANDT (Melbourne) (14:36): My
question is to the Prime Minister. On
Saturday Qantas management took the
extreme step of grounding our national
carrier. But within 48 hours Qantas got what
it wanted and is now on a fast track to
arbitration, where it may be able to avoid the
protections—for job security and against
offshoring—that the workers have been so
strongly seeking. Now that the government
has begun the process before Fair Work
Australia, what is the government's plan to
ensure that Qantas will keep jobs onshore
and that management is not able to take
further extreme actions that will affect the
Qantas brand?

Ms GILLARD (Lalor—Prime Minister)
(14:37): I thank the member for Melbourne
for his question. I say to the member for
Melbourne in this parliament, as I have said
outside this parliament, it is not my intention
to offer running commentary about the issues
in dispute between Qantas, trade unions and
employees whilst the conciliation process is
happening. I do not think that would be the
appropriate thing to do and I do not intend to
do it.

The circumstance of the dispute now is
that the government has acted to get
industrial action out of the way, and now we
are in the conciliation period. Qantas and the
trade unions involved should use this
conciliation period to get the issues in
dispute resolved. I do understand from the
point of view of the trade unions that there is
a job security issue that they are seeking to
pursue; the right way of pursuing that now is
in the conciliation with Qantas. I say again:
if the conciliation with Qantas does not end
in an agreement, then the industrial umpire
Fair Work Australia can at the end of a 21-
day period impose a determination on the
parties.

I note that in his question the member for
Melbourne used the term 'may' in relation to
whether or not the issues about which he is
concerned end up featuring in that
determination, if Fair Work Australia ends
up making one. That will be a question for Fair Work Australia—to deal with those issues if conciliation fails.

But I believe it is in the national interest, in the interests of Qantas and in the interests of the employees of Qantas to use this opportunity now—with industrial action not occurring—to get around a table and get this resolved. I remind the House that the termination of industrial action is the termination of all industrial action, whether it be taken by unions or whether it be taken by Qantas by way of lockout. So the opportunity is now there for the parties to get this resolved for the long term, and they should use it.

**Qantas**

**Mr CHEESEMAN** (Corangamite) (14:40): My question is to the Treasurer. Will the Treasurer update the House on the economic impacts of the recent actions taken by Qantas?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:40): I thank the member for Corangamite for his question. As members are aware, on Saturday afternoon Qantas took the extraordinary action of grounding its entire international and domestic fleet. This action posed very significant risk to our economy, to employment and to the business community more generally, and that is why the Prime Minister took immediate and decisive action to get Fair Work Australia involved. The consequence of that is that planes are going to be back in the air. We understand the seriousness of the situation, even if those opposite do not. They might think they can play a political game with this, but these matters are too serious for the politicking of those opposite. We took our responsibilities extremely seriously. I want to explain to the House why we took our responsibilities so seriously.

In August Qantas carried a massive 1.5 million domestic passengers; that is something like 50,000 passengers a day. In the same month it carried half a million international passengers. So this decision of Qantas to lock out its workforce—without notice—posed a very significant risk to our national economy. The decision by Fair Work Australia was a significant breakthrough in resolving this difficult dispute, because what we would have seen if this were a protracted dispute is knock-on effects right through our economy.

I am a Queenslander; I understand the importance of aviation to the tourist industry. But it is not just the tourist industry. We understand the importance of aviation when it comes to our mining industry—for example, fly-in fly-out miners. All of these are immediately affected—and that is before you go to the tens of thousands of businesses in the tourist industry and elsewhere—everybody, right down the supply chain, who would have been affected if this dispute had gone on. So the Prime Minister acted decisively and acted immediately to deal with this dispute.

But what we are hearing in the House today is the game playing and the politicking of those opposite. The Leader of the Opposition is all opposition and no leadership. He would rather see the country fail than the government succeed. But, when you get to a difficult national issue like this, you have to put the national interest first, and this government will always put the national interest first. We did it during the global recession and the global financial crisis, despite the opposition of all of those opposite who did not want to see us stimulate the economy. This side of the House will always put jobs first. We will always try to do everything we can to keep the doors of small business open, because we are committed to
the national interest. They are just committed to their own selfish political interests.

Qantas

Mr HOCKEY (North Sydney) (14:43): My question is the Treasurer. I refer the Treasurer to this morning's analysis of the impact of the Qantas strike action by Bell Potter Securities: 'The impression left on foreign investors in Australian assets is a very poor one. The perception of union militancy increases equity risk premium, while the fact the incumbent government did nothing about the rolling strikes until it was forced to also reflects very poorly on Australia.' Treasurer, when were you first made aware of the grounding of the Qantas planes and what did you do to try and prevent it?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:44): The most important thing you must do when you are handling an industrial dispute is put the national interest first, and that is what this government has done. When the Minister for Infrastructure and Transport was informed of their decision, which they said was non-negotiable, he rang me—he rang the Treasurer—and I then spoke to him. I subsequently spoke to the Prime Minister and to a number of other ministers to bring them together and to put in place the swiftest possible action that we could, given the threat to our national economy. So we acted as soon as we possibly could, we acted within the law of the land and we acted with a genuine desire to resolve this dispute.

I know that those opposite want to take sides in a dispute. We know that they always take one side when they are talking about industrial relations, and we know they never take the side of the workers. But what we will do on this side of the House is work in an even-handed way within the industrial relations system to make sure that both the employers and the employees are heard, and we will do that in the national interest.

Qantas

Mr MURPHY (Reid) (14:45): My question is to the Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations. How did the government's Fair Work Act help in the lockout of workers by Qantas and get Qantas planes back in the air? How does the handling of this dispute compare with previous industrial disputes?

Mr CREAN (Hotham—Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts) (14:46): I thank the honourable member for Reid for his question. I know that he is a long-time campaigner for fairness in the industrial relations system. When we came to government, we reintroduced fairness through the Fair Work Act. I am asked how this played a role in the resolution of this dispute. It played an important role, but it was the act facilitated by the decisive action of the Prime Minister that got the planes flying again.

This was a situation in which Australia was confronted with a company that, with very little notice and no intention of changing its mind, had determined to ground its entire fleet domestically and internationally, which would have led to the crippling of the Australian economy and the stranding of tens of thousands of passengers around the world. What the government did was take immediate action when it learned of this intention. It took this matter to Fair Work Australia. The matter was convened that night and adjourned the next day so that the case for the impact in terms of the national interest and the economy could be determined. As a result of that adjourned
hearing, the industrial action was terminated—not just suspended but terminated. That has now allowed the circumstances in which, over the next three weeks, the parties are required to bargain in good faith to resolve this dispute, and, if that cannot be done, it will be compulsorily arbitrated upon. That is what will happen because of the act and because of the actions by the Prime Minister.

*Opposition members interjecting—
Mr Abbott interjecting—*

Mr CREAN: I am asked, and I hear all of this from the other side, about what the government should have done and when; let us just reflect on their view of what the government's role in similar circumstances would be. This is what the Leader of the Opposition on a previous occasion has said in relation to government involvement in industrial disputes:

The Government must be highly selective about the cases where it seeks to intervene. In general, the parties to an industrial dispute should make their own arrangements … without any government—

assistance. In other words, these hypocrites who sit opposite are trying to make the issue of how we should have got involved when we did, yet they themselves do not believe in government involvement. If there is any doubt about that, I remind people what the architect of Work Choices had to say a week ago. This is what Peter Reith had to say:

A lot of people say there’s a dispute so let’s get the government to fix it. Quite frankly that is old thinking … It's an idea that we—

meaning the Liberal Party—

abandoned for a very good reason … when it comes to a dispute the government is not the solution …

That is the thinking of those on the other side. So do not come here, with your cant and hypocrisy, saying where the government should have intervened earlier; look at your own form. If you want to understand where this dispute could have ended up, look no further than what happened in the Patrick dispute, where, rather than try to get a resolution, you fanned its continuation. You had a midnight cabinet meeting to pass legislation that legitimised the sacking of an entire workforce and its replacement by a scab workforce. That is your view of industrial relations; it is not ours.

**Qantas**

Mr TRUSS (Wide Bay—Leader of The Nationals) (14:50): My question is to the Minister for Infrastructure and Transport. On how many occasions prior to 2 pm on Saturday did Qantas advise the minister that, if industrial unrest continued, it may have to ground its fleet?

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (14:51): I thank the honourable member for his maiden question on aviation in 4½ years—I thank him sincerely. If the shadow minister had access to Sky, he would know that I have indicated very clearly that this morning, after Mr Joyce gave an interview with Fran Kelly, I rang Mr Joyce and informed him that I would be making public the fact that on no occasion had Qantas ever raised the issue of a lockout of its workforce—

*Honourable members interjecting—

The SPEAKER: Order! The member for Sturt will resume his seat. The member for Lyons, the member for Dawson—order!*

Mr ALBANESE: Mr Joyce will confirm that on no occasion did Qantas ever raise the issue of a lockout of its workforce—

*Opposition members interjecting—

Mr ALBANESE: if you listen—to me or any other government minister.

*Honourable members interjecting—*
The SPEAKER: Order! The minister will resume his seat.

Mr Champion interjecting—

The SPEAKER: The member for Wakefield is warned! The member for Sturt on a point of order, and I just remind people they can shout all they like and I will not give the call to somebody, like I did.

Mr Pyne: Mr Speaker, on a point of order: the minister was asked a short and specific question about how many warnings he had been given about the grounding of the fleet, not about a lockout of workers.

The SPEAKER: The member for Sturt will resume his seat. He has made his point of order. He cannot debate the point of order. The minister is aware of the question. He understands the responsibility to be directly relevant and the minister has the call.

Mr ALBANESE: I am being directly relevant, Mr Speaker. On Saturday afternoon I received a phone call from a staff member who had been contacted by a staff member of Alan Joyce, the CEO of Qantas. He indicated to me that Mr Joyce would be making a phone call to me to advise me of the situation.

I rang Mr Joyce back when I did not hear from him at 1.51 pm. I still did not hear from him. I rang at 1.55 pm. I still did not hear from him. I rang at 1.58 pm seeking to ascertain what the information was. Mr Joyce rang me—

Opposition members interjecting—

The SPEAKER: Order!

Mr ALBANESE: Mr Joyce—

The SPEAKER: The minister will resume his seat. The member for Kooyong will now be buying drinks for some people who cannot contain their enthusiasm on my right because he would have been dealt with but, no, people think that they can interject. That is not the way it works. There is no point of order. I am listening carefully to the minister's response. He is responding to the question and if people, when they make their commentary, want to dwell on what words are in the answer and not in the answer, it is up to them but they will not do it now. The minister has the call.

Mr ALBANESE: Mr Joyce rang me after 2 pm on Saturday afternoon. He informed me that according to him the board had made a decision on Saturday morning that they would lock out their workforce at 8 pm on Monday evening and that they would ground the fleet due to safety concerns at five o'clock that afternoon.

The fact is that, in terms of Mr Joyce's position during that conversation, he indicated very, very clearly that the grounding of the aircraft was as a result of the air operator certificate advice to him that the lockout from this evening at 8 pm would result in safety concerns according to Qantas. Indeed Mr Joyce indicated that that was the case. Mr Joyce had indicated in a number of meetings I had with him that planes had been grounded, and that is public knowledge: seven planes had been grounded.

On 18 October, Qantas released a press release saying:

If this overtime ban continues, we will be grounding even more aircraft.

They did that publicly, but the fact is that the licensed engineers union lifted the overtime ban and all industrial action for three weeks, and the only action that was taking place was pilots wearing red ties. (Time expired)

Qantas

Ms BURKE (Chisholm) (14:57): My question is to the Assistant Treasurer and Minister for Financial Services and Superannuation. Will the Assistant Treasurer outline how the government's actions to get Qantas planes back in the air put the interests of consumers, business and passengers first?
Mr SHORTEX (Maribyrnong—Assistant Treasurer and Minister for Financial Services and Superannuation) (14:57): I would like to thank the member for Chisholm for her question. She, like every member of the government, is animated by the national interest, and of course the way in which the government approached the Qantas lockout of its workforce reflects the commitment of the government to ensure the national interest of people and the economy is upheld.

On Saturday afternoon, mid-afternoon, the government was notified by Qantas that they would lock out their workforce from 8 am Monday morning—that is, baggage crew, ramp crew, caterers, licensed engineers, international pilots and short-haul pilots; however, they said that, because they were going to lock their workforce out from 8 am Monday morning, all planes would have to be grounded from 5 pm on Saturday. All planes in the air would be allowed to finish that leg and thereafter 155 planes would be grounded, not by the unions but by the management of Qantas, and 140,000 passengers around the world and throughout Australia, because of industrial action by one of the parties in a negotiation, were forced to have their plans inconvenienced, business trips inconvenienced, the tourism industry of one million people inconvenienced, families wanting to be reunited visiting sick relatives inconvenienced. What the government did was take appropriate steps under section 424 of the Fair Work Act to immediately make an application to terminate the industrial action and, in the alternative, if the tribunal did not find favour with that application, suspend the industrial action. All through the evening of Saturday night, senior representatives of the department of transport and the department of tourism attended these hearings and the evidence went—

Mr Andrews: Mr Speaker, on a point of order: how has any of this got anything to do with the Assistant Treasurer's portfolio responsibilities?

The SPEAKER: Order! The member for Menzies might have tried that point of order on the question and I still would have ruled against him. The question was in order. Now the problem for the minister is that he remains directly relevant to it—he has been doing a pretty good job of it so far.

Mr SHORTEX: Thank you, Mr Speaker. There was evidence given by the secretaries of two Commonwealth departments about the impact upon the economy by Qantas's action. Then, for 12 hours on Sunday, evidence was led as to why the industrial action by all parties, principally triggered by Qantas's action, should be terminated.

Assisting the government by attending those 12 hours of hearings on Sunday, I can report to the House that I did not trip over any members of the Liberal Party trying to fix this dispute. They were happy to churn out the press releases.

Opposition members interjecting—

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

Mr SHORTEX: In fact, if any member of the opposition had bothered to turn up, they would have realised that, when Qantas was supporting the government's application to terminate the bargaining periods and cease the industrial action, at no point did Qantas allege that, if they had just had a chance to speak to the government before 5 pm, none of this would happen. Qantas never put that on the record in the 12 hours of legal hearings.

Furthermore, at no stage did Qantas make an alternative application and say that the government should be pursuing another section of the act. In fact, it was very clear that the independent umpire, the Fair Work tribunal, acted decisively and made its
decision. Thank goodness this government put in place this act to provide for a tribunal that would stand up to resolve the industrial action.

Let the record be clear: if Qantas and Alan Joyce had not taken the industrial action against the workforce, these planes would not have been grounded and there would have been no upheaval to the Australian economy.

Qantas

Mr ABBOTT (Warringah—Leader of the Opposition) (15:03): My question is to the Minister for Infrastructure and Transport. I refer the minister to a statement of Mr Alan Joyce on Radio National this morning. Mr Joyce was asked about his conversations with ministers and he said: 'I said on multiple occasions—to ministers—we could get to a stage where we'd have to ground the airline.' That was the statement of Mr Alan Joyce on Radio National today. So I ask the minister for transport: is he claiming that this statement of Mr Alan Joyce was an attempt to mislead the Australian public?

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:03): I thank the Leader of the Opposition for his question. Indeed, I had a number of meetings with Mr Joyce. As I indicated at the press conference, I would not normally make these public, but, given they appeared in the Daily Telegraph on page 3, I think I am entitled to do so. I met with Mr Joyce firstly on 11 October, with staff. I then met with Mr Joyce on the Friday before last, 21 October, along with Mr Sheldon, in my Marrickville office. I have a good relationship with both Mr Joyce and Mr Sheldon. I offered to facilitate discussions between the parties in order to resolve these issues. As a result of that discussion, Mr Sheldon, on behalf of the TWU, called off the industrial action which was proposed for the following Wednesday, because real progress was made.

That afternoon, I had another meeting with Mr Joyce in my Marrickville office. The following Wednesday, I had another meeting with Mr Joyce and Mr Sheldon in my Marrickville office. Again, last Wednesday progress was being made towards a resolution of the dispute.

Mr Abbott: Mr Speaker, I rise on a point of order. I appreciate the detail that the minister is going into, but the question was very specific: was he advised by Mr Joyce about the grounding of the fleet?

The SPEAKER: Order! The minister is aware of his responsibilities.

Mr ALBANESE: I had those meetings as well as numerous text messages and phone conversations—indeed, I have probably had more conversations with Mr Joyce in the last fortnight that I had with my family, because we were determined to get a resolution to this dispute.

At no stage did Mr Joyce do either of two things. At no stage did Mr Joyce publicly or privately ask the government for any intervention into this dispute. That is the first thing. The second thing is: at no stage did Mr Joyce indicate that the grounding of the Qantas fleet was imminent and that it was under active consideration. Indeed, on Saturday, throughout 12 hours of hearings before Fair Work Australia, Qantas indicated very clearly that the grounding of the fleet was because of the lockout of the workers at 8 pm on Monday evening. You do not have to trust us on that; you have to look at the transcript of Fair Work Australia from 10 pm to 2 am on Saturday evening into Sunday morning and from 2 pm yesterday afternoon through to 2 am this morning. Throughout that entire time Qantas have said they relied upon their safety concerns due to the grounding of the fleet. That is why they
grounded the fleet at 5 pm. Indeed, Mr Joyce in the conversation with me raised specifically safety concerns. I indicated in the question I got from our side of the House earlier today that I sought advice from CASA on Saturday afternoon, after being advised by Mr Joyce, about whether there was any justification for the grounding of the fleet and I was told there was none.

**Qantas**

Ms SAFFIN (Page) (15:08): My question is to the Minister for Tourism. Minister, why is it important to the tourism industry that the government took action on Saturday?

Mr MARTIN FERGUSON (Batman—Minister for Resources and Energy and Minister for Tourism) (15:08): I thank the member for Page for the question because it goes to my prime concern with respect to the action of Qantas last Saturday—that is, finally giving the tourism industry some certainty to actually get on with the job. On receiving the phone call, the government took the natural course that it should take: act decisively and terminate all industrial action because, as of Saturday, the parties had in essence given up the ghost. They had effectively said to the government that they were incapable of resolving this issue. The commission has now very decisively said that it has terminated all industrial action and the parties are now to seek to negotiate these issues in good faith. But from tourism's perspective it is about time we had a certain degree of certainty. How much pressure can this industry bear? Just think about the challenges that it has confronted over the last 12 months. Think about the Japanese market and the impact of Fukushima. Think about Cyclone Yasi and the natural disasters, like the floods earlier this year, and the associated impact on the tourism market in New Zealand of the earthquakes that have damaged visitation to Australia from New Zealand.

The tourism sector is centrally important to the Australian economy. It employs directly and indirectly just under one million Australians. Qantas is our most important carrier, both domestically and internationally. By way of reference, Qantas's international share is almost 18 per cent of total flights and provides approximately half the domestic air travel services in Australia. That is not only important to international visitation and, I might say, domestic tourism; it is also centrally important to me as the Minister for Resources and Energy. It is reflected in why we are spending the proceeds of the minerals resource rent tax on fixing the airport roads in Perth—the most important piece of infrastructure not only to the tourism industry in Western Australia but also to the resources sector when you think about the importance of fly-in fly-out workers. The Australian workforce is becoming more and more mobile in terms of suiting the needs of us delivering that huge investment pipeline of $430 billion, of which $140 billion is in the LNG sector, which is currently propping up the Australian economy. Asia presents us with an opportunity, not only from a resources perspective; I might also say that Asia is our new frontier from a tourism perspective with growth of 10 per cent per year—a capacity to actually double our numbers by 2020.

I simply say as the CEO of Tourism Australia, Mr McEvoy, appropriately said in a media release issued today: 'This decision finally provides certainty for tourism operators in Australia. It says that, both domestically and internationally, Australian tourism is open for business. We now have certainty, a capacity for people overseas and from within Australia to actually start planning their Australian holidays for this
forthcoming summer. I simply say to the industrial commission: you were right to adopt the recommendation of the Prime Minister to act decisively and to cease all industrial action so we have some certainty for all those small and medium sized businesses to prop up the tourism sector in Australia.

### Qantas

**Mr TRUSS** (Wide Bay—Leader of The Nationals) (15:12): My question is to the Prime Minister. Did any minister propose that the government make a declaration under section 431 of the Fair Work Act to end the Qantas dispute? If not, does that not indicate that the government was more concerned about the lockout of union members at 8 pm on Monday than the impact on the travelling public on Saturday?

**Ms GILLARD** (Lalor—Prime Minister) (15:12): I thank the Leader of the National Party for his question because it enables me to explain something about section 431 that throughout the course of question time has been ignored by the opposition as they twist and turn the facts to try and seek their very silly political story. Let me explain to the Leader of the National Party about section 431. I think he and the opposition need to understand this so that they stop misrepresenting the situation to Australians. I have been asked a question about section 431 and I am answering it.

**Mr Truss**: Mr Speaker, I rise on a point of order. My question was about whether any minister had proposed action under section 431. I was not seeking a detailed explanation of what is in the section.

**The SPEAKER**: Order! The member will resume his seat. The Prime Minister has the call.

**Ms GILLARD**: Thank you very much, Mr Speaker. I know the facts stand in the way of the opposition but they are going to hear the facts. Section 431 is the section of the Fair Work Act that enables a minister to make a declaration about industrial action. The opposition have pretended all of this question time, and they have pretended in the public debate, that the way in which that section works is that a minister just gets out a sheet of paper and scrawls on it 'I declare' and then it is done. In creating that impression in here and in the public debate, the opposition are peddling a falsehood. The peddling of that falsehood should stop here and it should stop now. It is not the right thing to do—in circumstances where the national interest is engaged, where tens of thousands of Australians have been stranded and where Australians have been anxious about the circumstances of the national economy—for the opposition to peddle that falsehood. Section 431 does not enable a minister to get out a piece of paper, scribble 'I declare' on it and sign it. That is not how it works. The minister needs to be satisfied of certain facts in order to make the declaration; the minister needs to inform himself or herself.

**Opposition members interjecting—**

**The SPEAKER**: Order! The Prime Minister has the call.

**Ms GILLARD**: I know the facts are not helping the opposition, but screaming does not change the facts. So let us listen to the facts for the first time. Section 431 does not enable a minister to just get out a sheet of paper; the minister would have to have the evidence before them that would enable them to come to the conclusion about the national economy. In terms of advice and the extension of procedural fairness, the obligation may extend to hearing from the parties affected, and when the declaration is made it is subject to judicial review. So if the minister makes a declaration—bearing in mind that this has never been done in
Australia before—it would very likely end up before a court, and a court would be able to traverse all of the facts and all of the circumstances.

If the government had taken that course, it would have been a step into a legal unknown in the sense that this section had never been tested before, and inevitably, given the circumstances of this dispute, it would have ended up in a court case. So rather than putting the nation in the grip of that legal uncertainty for week after week and month after month—which the Leader of the Opposition is clearly recommending—we used the section of the act that has resulted in industrial action being terminated and planes getting back into the sky this afternoon. The Leader of the Opposition is trying to peddle this falsehood because he is desperately unhappy that the Fair Work system has worked to terminate this industrial action. He is always barracking for his political interest rather than the national interest. The performance of the opposition today has been truly shoddy indeed.

Qantas

Mr SIDEBOTTOM (Braddon) (15:17): My question is to the Minister for Infrastructure and Transport. Would the minister update the House on the impacts of the proposed Qantas lockout on the travelling public?

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:17): I thank the member for Braddon for his question. He knows that we on this side of the House believe there is a need for a balanced approach in industrial relations between employers and employees. There is one thing that is very clear though, which is that we are on the side of the travelling public. That is why we intervened in this dispute on Saturday.

Mr Hockey interjecting—

The SPEAKER: Order! The member for North Sydney is warned.

Mr ALBANESE: There were 68,000 Qantas passengers affected by this unilateral and extreme decision by Qantas management on Saturday. Those opposite, in their questions and interjections, imply that people somehow should have known that Qantas was about to ground every single plane domestically and internationally. Did they say that that was a prospect at any time? Is there a single commentator, aviation writer, opinion writer, journalist or businessperson in the nation who thought that Qantas would take the step of grounding every single plane in their fleet in Australia and internationally, with the consequences for their brand?

When unions stepped out of line—like when the secretary of the Australian Licensed Aircraft Engineers Association said 'Don't fly Qantas'—I was critical of them, and the Minister for Tourism was critical of them.

Opposition members interjecting—

Mr ALBANESE: Something you will never hear from those on the other side of the House is a balanced approach. So when the employers, through a lockout of the workforce, grounded the airline, we were also critical of them, as you would expect. For those who suggest that somehow the government should have known that this was going to occur, I refer you to the comments of the Qantas CEO, Alan Joyce, himself. In his press conference at 5 pm he described this decision as unbelievable. He stated, 'We're making the unbelievable decision to ground our airline.' Indeed, it was quite an extraordinary decision, of which no-one received fair notice—not its customers, not its employees, not the government. The government was first informed of a statement by the CEO of Qantas at 2 pm on Saturday afternoon. The government acted.
was on my feet with a comprehensive
government response 15 minutes after Alan
Joyce finished his press conference. Indeed,
the CEO of Qantas indicated to the Minister
for Workplace Relations, Senator Evans, that
were this information to become public he
would bring it forward and ground the airline
immediately, as Senator Evans indicated at
the press conference earlier today. The fact is
that this is a vital industry, and that is why
the government took action. Those opposite
say the government should have prevented
this, but Alan Joyce, the CEO of Qantas,
does not argue that that is the case.

Qantas
Mr PYNE (Sturt—Manager of
Opposition Business) (15:21): My question
is to the Prime Minister. I refer the Prime
Minister to her previous answer where she
indicated that, under section 431 of the act, a
minister needs to be satisfied of the
seriousness of an issue in the national
interest before they use that section. I further
refer her to the answer that the Minister for
Transport and Infrastructure has given today
where he indicated that he had had countless
meetings with Qantas and the union about
this matter, and the answer that he has just
given where he has indicated amply that he
fully understood the seriousness of the action
being taken by Qantas on Saturday. Prime
Minister, what more did you need to know
before you acted under section 431 to protect
the travelling public of Australia?

Ms GILLARD (Lalor—Prime Minister)
(15:22): I am very happy to answer the
question because it once again goes to the
fiction and falsehood that the opposition are
pursuing here. It is truly a disgraceful course
of conduct when we are dealing with issues
in the national interest. I say again to the
opposition: when they are not in this
negative mode—if they ever get into
anything other than this negative mode—
perhaps when they go back to their offices
and sit down quietly and perhaps when the
Work Choices fever ekes out of their veins,
they should get out the Fair Work Act and
start looking at some industrial law and they
should think about it.

This is the declaration a minister makes
when the minister needs to have evidence
that he or she is acting legally
appropriately—that is, that the test has been
met about significant damage to the national
economy. The minister does not just have a
little think to themselves; they need to have
the evidence. They also need to make sure
that every step that they take can withstand
judicial review, because this can be judicially
reviewable. Ministerial declarations can be
judicially reviewable.

Let us be very clear about the course the
Leader of the Opposition would have had
this nation on. Let us go through all the
ridiculous hypocrisy we have heard today.
We have got the Liberal Party now talking
up the role of the industrial umpire. They
spent a decade trying to kill it. Now they are
talking up the role of the industrial umpire.
They cannot wait to run in front of the
industrial umpire after a decade of trying to
kill it. We have got the Liberal Party talking
up the role of arbitration when they spent
more than a decade pursuing the case that
arbitration was killing the Australian
economy and we needed to be in a world of
enterprise bargaining—the Liberal Party
talking up arbitration after they brought us
Work Choices, clearly calculated to end the
safety net, to limit arbitration, to not enable
fair bargaining and to kill the industrial
umpire. That is what the Liberal Party did.

Against that backdrop of Work Choices,
they get out the Fair Work Act, they go, ‘Oh,
I’ll have a look at it, a bit of a newspaper and
a bit of a think’—and now I am an industrial
relations lawyer apparently—and then they
peddle this falsehood that a minister can just scrawl a declaration on a piece of paper. It would have been judicially reviewed. That is what would have happened. There would have been months potentially of legal uncertainty. This section had never been used before.

The Leader of the Opposition is now saying to me, ‘Why did you put it in your act?’ It was in predecessor acts. Maybe the Leader of the Opposition wants to get Peter Reith on the phone and ask him that question—another question coming from the Leader of the Opposition's direct ignorance about workplace relations law because he does not care about jobs and he does not care about fairness at work. He has never bothered to learn anything about it.

The Leader of the Opposition, in suggesting that this was the better course for the government on Saturday, is peddling a falsehood. The government went down the course that had greater legal certainty, that would get the result that we needed, that is, that planes were back in the sky and—guess what—they are. That is what we did. We succeeded in getting planes back in the sky. The Leader of the Opposition would have had this nation on a course where—

Mrs Bronwyn Bishop: Mr Speaker, on a point of order: in any interpretation of being directly relevant to the question she was asked, what we have just heard is quite clearly in no way relevant. She was asked how much more evidence she needed to be convinced that it was in the national interest in light of what had been—

The SPEAKER: Order! The member for MacKellar will resume her seat. It would be preferable if there was less argument that is directly relevant, but the Prime Minister has the call.

Ms GILLARD: The interjection shows the falsehood. The test is not what I needed; it is what would have survived a subsequent judicial review. The Leader of the Opposition wanted to have this nation on a course of months of uncertainty. We wanted to fix this problem and we did. We know that that has hurt you—that people are getting back on planes—because that is how negative you are. (Time expired)

Workplace Relations

Ms BRODTMANN (Canberra) (15:27): My question is to the Minister representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations. Will the minister inform the House of the importance of fairness in the workplace?

Mr CREAN (Hotham—Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts) (15:27): I thank the honourable member for her question and make the point that we on this side believe it is absolutely crucial that there be fairness in the workplace. That is why we legislated Fair Work Australia. The reason we had to legislate Fair Work Australia is that the Howard government had stripped away the bases of any fairness in the industrial relations system. First of all, they had moved to a situation that effectively denied collective bargaining, trying to move everyone onto individual contracts, which we know were unfair. I have quoted in this House before the numbers of times and the percentages of cuts to conditions that happened under individual contracts versus collective bargaining.

There was also no requirement under the previous legislation for the employer to bargain in good faith. There were many examples where the employer simply refused to bargain. We have one example of a lockout—effectively a strike—but the place closed down for 13 weeks because the employer simply was not required to bargain...
in good faith. The third element of an industrial relations system is an important role for the independent umpire if the dispute cannot be resolved through bargaining in good faith. That is the position we find ourselves in now with the Qantas dispute. Clearly the employer, Qantas, had taken the view that they could not negotiate any further. But, rather than seek to get another crack at it, they took the extreme case of announcing that they were going to sack the whole workforce on Monday but grounding the airline in the first instance. The member for North Sydney talked before about employers who had come out and spoken about the risk to the integrity of industrial relations system in this country due to militant unionism. This dispute was not caused by the unions; it was caused by the decision of Qantas to ground its entire fleet. Where is the fairness in the assessment?

We have always understood the importance of getting the parties to bargain—to resolve the dispute, to settle their differences—but we have also understood that if the parties cannot do that then it may need to go to the independent arbitrator, through conciliation and ultimately through arbitration. That system potentially existed in the legislation that they had, but those opposite never would have practised it because their view was that it was in their political interests to keep a dispute going that was about cutting people's wages or conditions or tilting the balance back the other way.

We saw it with the Patrick dispute. We saw it when they allowed the introduction of people with Rottweilers and balaclavas to come in and sack a work force at midnight. That is the sort of industrial relations system the other side supports. We, for our part, believe in fairness and we will practise it using a legislative framework. This government is prepared to act in the national interest and that is just what we have done. We have the airline back in the air.

Ms GILLARD (Lalor—Prime Minister) (15:31): I am doing the opposition a favour in ending this humiliation. I ask that further questions be placed on the Notice Paper.

QUESTIONS TO THE SPEAKER
Questions in Writing

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (15:32): In accordance with standing order 105(b), replies to written questions, I kindly ask that you write to the Minister for Foreign Affairs seeking reasons for the delay in answering the following questions in writing: questions 330, 336, 340, 341, 344, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528 and 529. Further, I ask that you write to the Minister representing the Minister for Broadband Communications and the Digital Economy seeking reasons for the delay in answering the following questions in writing: questions 530, 531, 532, 533, 534, 535, 536, 537, 538, 539 and 540.

The SPEAKER: I will do as required by the standing orders. I hope that I do not have to send an individual letter for each question!

Ms JULIE BISHOP: I would be happy with a collective letter thank you, Mr Speaker.

DOCUMENTS
Department of Parliamentary Services
Department of House of Representatives
Parliamentary Service Commissioner
Presentation

The SPEAKER: I present the following reports: (a) pursuant to section 65 of the Parliamentary Service Act 1999, the annual reports of the Department of the House of
Representatives and the Department of Parliamentary Services for 2010-11; and (b) pursuant to section 42(1) of the Parliamentary Service Act 1999, the annual report of the Parliamentary Service Commissioner for 2010-11.

Ordered that the reports be made parliamentary papers.

AUDITOR-GENERAL’S REPORTS

Report No. 9 of 2011-12

The SPEAKER: I present the Auditor-General’s performance Audit report No. 9 of 2011-12 entitled Indigenous secondary students accommodation initiatives.

Ordered that the report be made a parliamentary paper.

DOCUMENTS

Presentation

Mr ALBANESE: Documents are presented in accordance with the very long list circulated to honourable members earlier today. Details of the documents will be recorded in the Votes and Proceedings. I move:

That the House take note of the following documents:


Airservices Australia—Report for 2010-11.


Army and Air Force Canteen Service—Frontline Defence Services—Report for 2010-11, incorporating the reports on the monitoring of the equal employment opportunity (EEO) management plan and of occupational health and safety arrangements and statistics.

ASC Pty Ltd—Report for 2010-11.


Auditor-General’s Department—Report for 2010-11.

Auditing and Assurance Standards Board—Report for 2010-11.


Australian Accounting Standards Board—Report for 2010-11, incorporating a correction.


Australian Centre for International Agricultural Research—Report for 2010-11.

Australian Customs and Border Protection Service—Report for 2010-11.


Australian Film, Television and Radio School—Report for 2010-11.


Australian Institute of Aboriginal and Torres Strait Islander Studies—Report for 2010-11.

Australian Institute of Marine Science—Report for 2010-11.


Australian Pesticides and Veterinary Medicines Authority—Report for 2010-11.

Australian Public Service Commissioner—Report for 2010-11, incorporating the report of the Merit Protection Commissioner.
Australian Rail Track Corporation Limited—Report for 2010-11.
Bundanon Trust—Report for 2010-11.
Cancer Australia—Report for 2010-11.
Centrelink—Report for 2010-11.
Civil Aviation Safety Authority—Report for 2010-11.
Commissioner of Taxation—Report for 2010-11.
Companies Auditors and Liquidators Disciplinary Board—Report for 2010-11.
Crimes Act 1914—
Authorisations for the acquisition and use of assumed identities—Report for 2010-11—Australian Federal Police.
Controlled operations—Report for 2010-11.
Data-matching program—Department of Veterans’ Affairs—Report on progress for 2010-11.
Department of Broadband, Communications and the Digital Economy—Report for 2010-11.
Department of Climate Change and Energy Efficiency—Report for 2010-11.
Department of Defence—Reports for 2010-11—
Volume 1—Department of Defence.
Department of Families, Housing, Community Services and Indigenous Affairs—Report for 2010-11.
Department of Finance and Deregulation—Report for 2010-11.
Department of Foreign Affairs and Trade—Report for 2010-11.
Department of Human Services—Report for 2010-11, incorporating the report of the Child Support Agency and CRS Australia.
Department of Immigration and Citizenship—Report for 2010-11.
Department of Infrastructure and Transport—Report for the period 14 September 2010 to 30 June 2011.
Department of Innovation, Industry, Science and Research—Report for 2010-11, including the report of IP Australia.
Department of Regional Australia, Regional Development and Local Government—Report for the period 14 September 2010 to 30 June 2011.
Department of Resources, Energy and Tourism—Report for 2010-11, including the report of Geoscience Australia.
Department of the Treasury—Report for 2010-11.
Director of National Parks—Report for 2010-11.
Fair Work Australia—Report for 2010-11.
Family Court of Australia—Report for 2010-11.
Federal Court of Australia—Report for 2010-11.
Federal Magistrates Court of Australia—Report for 2010-11.
Food Standards Australia New Zealand—Report for 2010-11.
Health Workforce Australia—Report for 2010-11.
Insolvency and Trustee Service Australia—Report for 2010-11.
International Air Services Commission—Report for 2010-11.
Medicare Australia—Report for 2010-11.
Migration Agents Registration Authority—Report for 2010-11.
Military Superannuation and Benefits Board of Trustees—Report for 2010-11.
National Breast and Ovarian Cancer Centre—Report for 2010-11.
National Competition Council—Report for 2010-11.
National Film and Sound Archive—Report for 2010-11.
National Health and Medical Research Council—Report for 2010-11.
National Industrial Chemicals Notification and Assessment Scheme—Report for 2010-11.
National Native Title Tribunal—Report for 2010-11.
Office of the Australian Information Commissioner—Report for the period 1 November 2010 to 30 June 2011, incorporating financial statements for the Office of the Privacy Commissioner for the period 1 July to 31 October 2010.
Office of the Official Secretary to the Governor-General—Report for 2010-11.
Public Lending Right Committee—Report for 2010-11.
Remuneration Tribunal—Report for 2010-11.
Screen Australia—Report for 2010-11.
Skills Australia—Report for 2010-11.
Superannuation Complaints Tribunal—Report for 2010-11.
Tourism Australia—Report for 2010-11.

Debate adjourned.

BILLS

Social Security Amendment (Student Income Support Reforms) Bill 2011

Second Reading

Debate resumed on the motion:
That this bill be now read a second time.

Mr COULTON (Parkes—The Nationals Chief Whip) (15:35): I continue my speech in the second reading debate on the Social Security Amendment (Student Income Support Reforms) Bill 2011. Education is the greatest gift that we can give our children. Education in the year 2011 should be something that is equitable throughout Australia. Sadly, this is not the case.

Regional Australian students are finding it very difficult to attend university. We are just seeing the changes to the social security amendments for inner regional students. Those change have not returned things to the way they were prior to the changes made by the now Prime Minister when she was education minister, but they have returned some form of equity into the system.

There is a case to be made for a regional student access scheme available to all regional students. If regional Australia is going to take its place and continue to grow and prosper, it is going to need young people with suitable qualifications in agriculture, food production, agronomy, engineering, mining and health—all those vitally important professions. Regional Australia is in desperate need of professional workers in those areas. We are going to make sure we can keep up the supply in the years to come, and the best way to do that is by growing our own, encouraging regional students to gain proper qualifications, enabling them to return to the regions and grow regional Australia.

In closing, it needs to be pointed out again that the reason these amendments needed to be made was because of the thoughtless, uncaring actions of the Prime Minister when she was education minister, ripping the ability for regional students to attend university. From seeing in other government departments the farce that was the RDA, Regional Development Australia—regional Australia was ignored in that funding—it is clear that this government has very little understanding or compassion for the people and students of regional Australia.

The Prime Minister brought in these changes when she was education minister, and in my time as a member of parliament I have never seen an issue cause such heartache and so much grief. I have had thousands of people sign petitions; I have had school students manning stalls in the main streets of towns right across my electorate trying to gain support to have youth allowance restored. This is a victory for the coalition, and I pay tribute to my colleagues Fiona Nash, Darren Chester, Christopher Pyne and Nola Marino, who led this charge. But it is a hollow victory when this change should have been made in the first place.
The DEPUTY SPEAKER (Hon. Peter Slipper): Before calling the honourable member for Gippsland, I would remind the member for Parkes that he ought to refer to other honourable members by their titles and not by their names.

Mr CHESTER (Gippsland) (15:39): In joining the debate on the Social Security Amendment (Student Income Support Reforms) Bill 2011 I commend the member for Parkes for his contribution and support his comments that this is a hollow victory in many ways. It is a hollow victory because over the past three years we have put regional students, their families, their teachers, their careers counsellors, their parents and even their grandparents through enormous heartache as they have struggled to understand exactly what this government has been trying to achieve in its reform of student income support.

I have been one of those who has advocated since I got in this place three years ago for the need to provide a fair and equitable system for student income support for regional students. I have argued very strongly on the basis that, if we are not going to provide universities in every regional town—which we all acknowledge would be impossible—then we are going to need to provide some assistance for those students to achieve their full potential.

In 2009, the current Prime Minister, who was then the education minister, announced significant changes to student income support, creating an enormous amount of uncertainty and stress throughout regional communities, for very little gain. From day one, members on this side of the House pointed out the problems with the changes being put forward by the minister, and we were ridiculed. We were ridiculed in this place and we were ridiculed publicly. We were accused of being political opportunists and we were accused of being negative, when in fact we were raising legitimate concerns on behalf of regional families.

Surely anyone with half an ounce of common sense, when they receive petitions signed by thousands of people and are inundated by emails from students, teachers and parents raising concerns about the reforms to student income support, would think: 'Maybe we've got a problem here. Maybe I should start listening to members from regional communities who are raising concerns on behalf of their constituents.' Instead, we were badgered and pilloried in this place and described as people who did not care about the education of our students.

I rejected all of those assertions at that time, and today, as I said, is bit of a hollow victory, because finally the government has recognised that it made a mistake. Finally the government has admitted that, in particular with references to the workforce participation criteria for independent youth allowance as applying to students in the so-called inner regional and outer regional boundaries, it made a mistake. This legislation aims to amend that mistake. My concern is, once again, that the changes being put forward in this bill not only are long overdue, after causing enormous angst over the years, but simply do not go far enough in addressing the fundamental concerns of equity in regional communities. This is a massive backflip by the government, but the problem has not gone away. One of the biggest issues facing regional families is the issue of supporting students when they are forced to move away from home to attend university. Members on this side have fought for a better deal for regional students over many years and on many occasions in this place.

I want to thank the many people who have supported this fight to get a better deal for
regional students. In the other place, Senator Fiona Nash was at the forefront of the fight on behalf of the coalition. In this place, the member for Sturt, the member for Forrest, all of my National Party colleagues and all the Liberal regional MPs have spoken out, and I understand that many Labor regional MPs have also spoken out in their caucus, to try and make it clear to those opposite in positions of power that the changes that were made were detrimental in many aspects.

I am also one of those members who at the very outset pointed out that some of the changes that the former education minister was making in terms of the income thresholds for the dependent youth allowance were very good changes. So I do not think anyone was out there continually attacking the government in that regard. We came to this discussion in good faith and tried to make the case to the then education minister, the current Prime Minister, that, whilst some of the changes were going to benefit regional communities, those relating particularly to the independent youth allowance had been mishandled. It has taken until now, three years later, after all those years of uncertainty and confusion in regional communities, for us to get some long overdue changes.

I also want to put on the record my public thanks to the many thousands of people in the electorate of Gippsland who rallied to this cause and assisted me in my efforts to bring it to the attention of the government. Again, it was the students themselves, the teachers and careers counsellors, and, as I said before, the parents and grandparents who were concerned about the future of their young people.

I also want to thank people who made submissions to Professor Kwong Lee Dow's review of student income support reforms. I would like to thank the professor for the work he did in helping to compile this report. I had the opportunity to have a chat with the professor when he was in Traralgon, and highlighted the particular concerns we had at that stage about the boundary classifications in regional areas. I have had the chance to read the report and I think there are some good messages in there for both government members and members on this side of the House. I will briefly quote from the section called Notes from the Chair. Professor Kwong Lee Dow said:

An underlying tension has persisted throughout the consultations and the submissions to this review. Simply put, it is how to reconcile the competing needs of those on low incomes and those from rural, regional and remote communities. Some argue that the most fundamental issue is to adequately provide for students from low-income families. They are the ones in greatest need, and whom the Review of Australian Higher Education (the Bradley Review) and the Australian Government seek to help through the student income support reforms. The top priority is to build the numbers and the proportion of these students within the Australian higher education student mix.

Professor Kwong Lee Dow goes on to say:

Others point to this review being established primarily to consider the needs of rural and regional students. They remind us that rural students are handicapped, relative to their metropolitan counterparts, by more limited schooling opportunities, smaller cohorts of peers with whom to collaborate and to compete and less specialist teaching in the critical final years of secondary education.

He went on to say:

They remind us as well that, for regional and rural communities to survive and thrive, more professionally educated people will be called for, and it is disproportionately from young people returning back to those communities with which they identify and feel affection that the future of regional Australia can best be assured.
I commend Professor Kwong Lee Dow on this report and recommend it to other regional MPs with an interest in this issue. He makes the point that while there are budget limitations that have restricted him in his work, he has highlighted the key point of equity for rural and regional students.

While I have acknowledged there are some positives to come out of the reforms before the House this afternoon, I still feel that we are tinkering around the edges of the student income support issue. I believe there needs to be a complete overhaul of the system. I take up the comments from the member for Parkes. He said in this place, that we can do better than this, that we can genuinely work together in a bipartisan way for all those members who are interested in this issue of regional education opportunity for young people right throughout Australia. He said, 'I believe we can do better in this place in the future and provide more support for young people who are forced to move away from home to achieve university dreams.'

It is well understood that young people in regional communities face additional barriers compared to those in metropolitan areas. Some of those barriers are aspirational, I acknowledge that, but there are also economic barriers which have been referred to many times during contributions to this debate. When I visit schools in my electorate, I talk to many students about this issue of aspiration and about the need for young people in Gippsland to aim high to achieve their absolute best. It is up to all of us in this place, as leaders in our communities, to help overcome that aspirational barrier, to keep reminding young people in our community that they should never sell themselves short, that they have the opportunity in this great nation to achieve great things.

We also have to deal with that fundamental economic barrier. That is a key issue for so many of our young people in regional areas. It is young people from regional areas forced to move away—sometimes eight and 10 hours away from their family home—who have these additional costs of accommodation, and transport when travelling back and forth to home when the opportunity presents itself, and the additional stress of being away from their support network. We need to do whatever we can to give those young people a greater opportunity to succeed once they make that big decision to move away from the family home and pursue their university dreams.

This is an issue of equity. It is a point that Professor Kwong Lee Dow canvasses in his report. I quote again, this time from the executive summary on page 11. He says:

Many young people from regional and remote Australia have no choice but to relocate away from the family home if they are to access educational opportunities (generally, higher education) comparable to those available to students in metropolitan areas. Relocation poses a significant additional financial impost on families. This underpins concerns about the changes to the arrangements for accessing full assistance as an independent person. For this reason, many have argued in the consultation and submission process that just as different arrangements are in place to support students from low-income families in comparison with those from higher income families, so there should be a similar acknowledgment of the circumstances of regional students in comparison with metropolitan students. This is a major issue, perhaps the most important issue, for this review.

I stress that point. In the executive summary, Professor Kwong Lee Dow says, 'This is a major issue, perhaps the most important issue for this review.' He goes on to say:

… these factors support the argument on equity grounds that different support arrangements for
regional young people and metropolitan young people might reasonably be made available. I am trying to make the point that there is much more work to be done in this place on student income support.

While today we are talking about legislation, which I believe will at least provide some clarity to those ridiculous arrangements we had—with inner regional and outer regional—for the purpose of qualifying for independent youth allowance, we still have a long way to go to achieve a fair and equitable system.

In my own electorate of Gippsland there are people who live on average two to six hours away from Melbourne, so it is difficult for those people to attend university if they have to go to a suburban campus. I recently undertook a survey in my electorate to try to gauge how big an issue this is, along with a range of other issues. It alarmed me that only 22 per cent of Gippsland families said they could afford to send their child to university. That survey also found that 85 per cent of families in my electorate who responded to this survey wanted the federal government to provide additional funding to regional students, in particular, to cover the cost of relocating to study at university.

At a recent Nationals federal council meeting, here in Canberra, a motion was passed that supported the introduction of a tertiary access allowance which would support all regional students. This would replace the confusing mess we have now where students have to qualify under increasingly complex criteria, which has been the subject of much debate in this place on many occasions. The overwhelming majority of people living in my community of Gippsland do not believe they will be able to support their young people when the time comes, if they qualify to go to university. They do not believe they will be able to support them economically. I believe there is an expectation that we can do more as members of this place to support students in pursuing their tertiary studies.

When this debate began three years ago there were those opposite who accused members on this side of being opportunistic, of playing political games and of not representing the views of regional communities. The overwhelming number of people who signed petitions would surely be an indicator that they were off track on that. I have a whole host of people who have written to me on this issue to raise their concerns. I give them the opportunity to put in their own words what they think about the current system. In the Latrobe Valley Express on 12 September this year, Zara Dyke said:

I just think the whole eligibility criterion needs to be completely overhauled and changed.

The former school council chairman of the Yarram Secondary College told last year's award ceremony:

Rural communities need to continue to get a message to all levels of government that we are at a disadvantage in sending our year 12 onto tertiary study and that if more rural people are going to be able to study at tertiary level, we need better living-away-from-home allowances and financial support for our students.

I urge those opposite to understand that this legislation we have before us today is not going to solve all the problems. I do acknowledge that it will help, but it does not solve the problems of equity and fairness which I have talked about for regional students and it does not resolve another key issue relating to the eligibility criteria. It relates to students fulfilling the expectation of the government's regulations on achieving independence, where they go off and do the required amount of work only to be told by Centrelink that they still do not qualify for
independent youth allowance because their parents' incomes exceed the threshold.

There is a real contradiction here. We are telling young people that if they go out and earn the amount of money required—I think it is about $19½ thousand over an 18-month period—we will say they are independent but that when it comes to assessing their eligibility for independent youth allowance we are going to refer back to their parents' income. We cannot have it both ways. We cannot be saying to these students that they are independent—they have achieved $19½ thousand—but then tell them that their parents' income threshold will also be included. I have another email here which refers specifically to this and the confusion it is creating in the community from a young lady named Megan in Paynesville:

Currently I've spoken to three Centrelink personnel and have been told three different stories. I've been told that if I earn the required amount in my gap year then I will receive the independent allowance, where another person has told me that, despite my income, it will be means-tested against my parents' income. I am very confused at the moment. I will meet all the criteria for the youth allowance/gap year allowance.

She goes on to say that she would be helped greatly if we could get a clear answer on this issue.

There are many sticking points still with the system of student income support and I have just highlighted a couple of them. Students right now are trying to make decisions about whether they will go to university next year or whether they will take a gap year, and they are very confused about the advice they are getting from Centrelink. We have such a long way to go and I believe that it is up to this place to commit itself to working harder to introduce a tertiary access allowance to remove the existing confusion and to make sure that regional students who are currently vastly underrepresented at our universities are given the opportunity to achieve their full potential. *(Time expired)*

Mr CHRISTENSEN (Dawson) (15:54): I associate myself with the comments of the member for Gippsland, particularly in relation to the National Party's policy of a tertiary access allowance. I think that will happen eventually in this country and we will get a better deal for regional and rural students. Speaking of regional areas, I come from one, the electorate of Dawson, and so I think it is only right that I speak on this Social Security Amendment (Student Income Support Reforms) Bill 2011, which affects regional students. Once again, we are debating the inequities that this government forced onto regional students, and it is not the first time I have had the opportunity to speak on this matter. The inequalities that this government created are really a form of student apartheid and the Liberal-National coalition has been trying to correct that for a very long time. We have been trying to correct the issue since this Labor government took a perfectly good system and broke it in 2009. What the government demonstrated at that time, and up to this point, is that it has no understanding of regional areas. It simply does not appreciate the difference between regional centres and metropolitan centres.

Independent youth allowance aside, regional centres face a whole range of inequities on a daily basis. Regional centres do not have access to the resources and facilities that are available in many cities. Regional centres do not have access to the same goods and services that their city cousins use every day. Regional centres experience the tyranny of distance firsthand. Regional centres often cop a higher cost of living. There are many things that are more difficult in regional centres, and one of them is tertiary education. There are lower tertiary education participation rates from regional
centres, and there is a reason for that. There are even more obstacles in this field.

I use two towns in my electorate of Dawson as examples. The main population centre, Mackay, was once a sugar town but is now predominantly a mining town. The cost of living in Mackay is placing enormous pressure on families. Mackay is considered an inner regional centre—it is a thousand kilometres from Brisbane. There is less distance between Brisbane and Sydney. There is less distance between Sydney and Melbourne. Somehow Mackay has been classified as inner regional. There is no university that is primarily based out of Mackay. We do have a subcampus, I would call it, of Central Queensland University. It is a very good campus; it has the potential to be, and will soon become, the main campus of CQ University. At the moment it is still a subsidiary campus of a university that is based in another town, Rockhampton. Some students wanting to go to university can study some of the courses at the Mackay campus of CQ University and others can at least do their first year of study at the Mackay campus before having to relocate to Rockhampton. Many more students who want to do other subjects that are not on offer at that university have no choice but to relocate to a capital city. They have no choice in this matter.

In contrast, Townsville—some of which is in my electorate of Dawson—is classified as an outer regional centre. It is in fact further away from Brisbane than Mackay, but it is a larger centre with more facilities, more population and more services, including the main campus of James Cook University. James Cook is a fine university and attracts students from many other centres, including capital cities. Townsville students wanting to undertake tertiary studies have many more opportunities than their counterparts in Mackay to do so without having to relocate, yet it is easier for them to qualify for independent youth allowance. This is the kind of student apartheid that this government has introduced in regional centres throughout this country. The problem that we have faced since 2009 is that we have a government that refuse to listen and refuse to admit that they were wrong on this count. It is the same attitude that we have witnessed with so many other debates and issues. It is the same attitude that we have witnessed with that asylum seeker policy. They took something that worked perfectly well and they undid it. Then they stubbornly refused to admit they were wrong and tried everything they could think of to fix it—except to put it back to the way it was. The Liberal-National coalition have been trying to fix this independent youth allowance program since the then education minister and now Prime Minister created the problem. A coalition notice of motion last year sought to make independent youth allowance fairer for regional students. And guess what? Labor opposed it. The coalition then tried to introduce an amendment in February to fix the problem. Guess what happened again? Labor opposed it and they disallowed debate on the matter. The coalition gave them another chance. We proposed another amendment to the appropriations legislation in March—which again would have fixed the problem. Surprise, surprise: Labor once again opposed it. Another amendment later in March, to the families, housing, community services and Indigenous affairs legislation, could also have fixed the problem. Again, Labor opposed it. In June, another notice of motion was opposed by Labor. All the way through this process, we have seen the so-called country Independents, the member for Lyne and the member for New England, siding with Labor on this matter, to the detriment of regional Australia and regional students. The
government have been consistently good at saying 'no, no, no' to regional students on this front.

Finally, we have an admission. Finally, the government are now saying, 'We got it wrong.' Finally, there will be a rebalancing of student income support towards students in regional areas. But, very sadly for some students, it is going to be far too late. For some students, going to university was not viable because of the discrimination that was imposed by this Labor government. They have been forced to take a different path in life because there was no viable financial option for them; and that is an absolute disgrace.

Some students have incurred large debts, having been forced to take out large loans, because they could not get the same support that was given to students in other areas who actually had more choice. What a bizarre set-up. Some students from regional areas with lower populations and more choice got better provision of income support than students in places like Mackay—simply because of their postcode. They were students who were lucky enough to live in a town that had a different classification—outer regional not inner regional. But not Mackay students. Under this government, it will be forever remembered that Mackay students and many others in areas deemed 'inner regional' were treated as second-class citizens.

Mr McCORMACK (Riverina) (16:04): Since March 2010, students living in inner regional areas have struggled to qualify for independent youth allowance because of changes the Labor government made to the eligibility criteria. However, on 21 September 2011, after a hard-fought campaign of more than two long years, the Labor-Independent-Green government performed a backflip with regard to independent youth allowance—a backflip on legislation, on poor policy of its own making. It was a backflip they needed to do. Embarrassed into their change of heart because of the dogged determination of the shadow parliamentary secretary for regional education, Senator Fiona Nash, and many other members of the coalition—in fact, I would say all members of the coalition, as we were united on this front—the Labor government have at long last brought fairness to the table and thousands of regional students have secured a much-needed reprieve with regard to their independent youth allowance criteria. This followed a review report conducted by Professor Kwong Lee Dow which recommended allowing inner regional students to apply for independent youth allowance under the exact same rules as outer regional, remote and very remote students—in other words, what it was originally and what the coalition has been demanding all along. The cities and towns in my electorate whose students fall into this inner regional category include Wagga Wagga—the largest inland city in New South Wales—Junee, Gundagai, Tumut, Coolamon, Mangoplah, Batlow and Adelong.

In 2009, the then education minister, Julia Gillard, proposed tightening the criteria. This meant that students in inner regional areas had to work an average of 30 hours a week for 18 months over a two-year period. This was yet another example of how little the then education minister and now Prime Minister knows and understands about regional communities, because securing close to full-time work in regional Australia is difficult. Some students were forced to defer their studies for up to two years and those who opted to go straight to university would have undoubtedly struggled to meet their work and study commitments. It was a bizarre move for someone who said, in her
1998 inaugural speech in this parliament, that 'not only economists but ordinary people understand that the future of Australia and the future of themselves and their children is tied to educational success'. We all agree with that, so why was there such unfairness when it came to independent youth allowance? Why was this of Labor's own making? It was grossly unfair and the changes were devastating to students and their families. Coalition MPs and senators were swamped with emails, letters and telephone calls, and there were countless examples of inner regional students missing out on much-needed assistance to afford tertiary study. But I am sure it was not only coalition MPs and senators who were being swamped with calls; I am sure Labor members, regional Independents and the Greens member were receiving similar sorts of calls about how palpably unfair it was. I know the member for Maranoa, who sits beside me, also received a number of calls about how unfair the independent youth allowance criteria were.

In forums, personal one-on-one meetings and constant correspondence with parents and guardians, I was told about the difficulty of having to choose which of their children they could afford to support at university. In some cases, they were not able to afford to help them at all. Some families were left to tell their children that they could not go to university, simply because of these unfair rules foisted on them by this Labor government.

Many families were struggling to make ends meet after years of drought—a decade of drought—followed by devastating floods. Other students gave up on their dream of a further education, an education that the Prime Minister acknowledged in her maiden speech as being so important to future success and prosperity. It was blatantly obvious that once again this government did not understand the trials, tribulations and hardships the people in regional Australia already were facing—the weather, commodity prices—and now this foisted upon their children was another blow.

A government's role is to govern for all—for the people, by the people, not 'to hell with the people'. This is what was happening. It was not just those in metropolitan areas or those in areas deemed eligible by arbitrary lines on a map as has been the case with this sorry story. The inner regional map which deemed those who would receive youth allowance and those who would not was actually a health map; it was not even meant for determining which students should and which should not receive assistance. That map was drawn up for health purposes. A Senate inquiry in December 2010 heard similar, disturbing evidence. On 21 October 2010, during Senate estimates, department officials confirmed that the changes targeting inner regional students was a cost-saving measure. What an insult. What a disgrace.

To restore the equality between regional students the coalition introduced a bill which both Labor and the Independents—despite having many inner regional students in their electorates—deemed unconstitutional. The government instead opted to bring forward a review of student income support reforms, including youth allowance, which was to report by 1 July this year and for any changes to be in place by 1 January 2012. The irony is that, had this government not changed the independent youth allowance criteria in the first place, it would not need to spend money on more changes to the detriment of other students. It is yet another example of this inept Labor government's hopeless economic management.

From 1 January 2012, students from inner regional areas will be able to access independent youth allowance under exactly
the same rules which apply to students from outer regional, remote and very remote areas—and it is about time. Any employment undertaken over the period since a student has left school will be counted towards the independence test, even if that work was done prior to 1 January 2012. School leavers of 2009-10, if they have been working during the period since they left school, will be able to count that toward the workplace criteria to qualify for independent youth allowance in 2012.

But, as I said, this has been a whole sorry story from start to finish. Labor MPs and the regional Independents, the member for Lyne and the member for New England, have been trumpeting the government’s changes when in fact for months and months they hardly said a thing about the matter. The irony is that money will be taken away from other youth allowance measures or will be delayed, which will affect many students. The regional Independents and Labor MPs could have made these changes a whole lot sooner had they supported the coalition’s effort to restore fairness on a number of occasions.

I will just go through those occasions for the benefit of Hansard and for the benefit of those people who may not have been following this whole sorry saga. There was a coalition notice of motion in the House of Representatives last October to make independent youth allowance fair for inner regional students by reinstating the same fair criteria which applies to other regional students, and it was supported by the members for Lyne and New England but opposed by the Labor MPs. There was the coalition’s Social Security Amendment (Income Support for Regional Students) Bill 2010 introduced in the House of Representatives in February this year, which sought to reinstate the same fair criteria that applies to other regional students. The debate was disallowed by Labor, with the support of the members for Lyne and New England. There was an amendment to appropriations legislation in the House of Representatives in early March, again to reinstate the same fair criteria for inner regional students from 1 July 2011, immediately after the review into student income support reforms rather than waiting until next year. But, again, this was defeated by Labor MPs with the support of the regional Independents, the members for Lyne and New England. There was a similar amendment to Department of Families, Housing, Community Services and Indigenous Affairs legislation later in March, which was again defeated by Labor with the support of the members for Lyne and New England. There was a similar notice of motion in the House of Representatives in June this year—and what do you think happened there? Again, it was defeated by Labor, again with the support of the members for Lyne and New England.

The government and the Independents claim the number of regional students receiving youth allowance has increased by 26 per cent, or an additional 7,400 students. They fail to say how many are actually receiving independent youth allowance compared to those on dependent youth allowance. Nor do they mention that many students receiving dependent youth allowance are only receiving a part rate of that payment.

The coalition has persisted through amendments to legislation and notices of motion for the government to act after the review finished in July, but they were all delayed and defeated by Labor and the two regional Independents. Whilst all this was happening, every time it was brought up in the House Labor backbenchers from regional areas were voting against the wishes and the whims of their people; they were saying nothing outside the House and they were
saying nothing inside the House. But they certainly chirped up and in parrot fashion followed the Prime Minister and the minister for education when they decided to do the backflip—not before time. Speaking of the minister for education, on 21 September this year, when moving that the bill be read a second time, the Minister for School Education, Early Childhood and Youth said:

The Australian government is committed to reforming higher education and, in particular, increasing students' access to university.

That, as I say, is an admirable course. He went on:

Higher education is central to achieving the government's vision of a stronger, fairer and more productive nation.

'Hear, hear,' I say, and I am sure everybody else would agree too. He went on to say:

The impact of the reforms has been measurable with more students qualifying for assistance, especially young people from low- to middle-income families.

The reforms have also had a positive impact on families from regional and remote areas of Australia with more young people who need to live away from home being able to access student income support.

So why did Labor change the rules in the first place? Why did they make it so unfair for students—students, as I say, from my electorate and, as we have heard, from the electorate of the member for Dawson? I know that the member for Maranoa and the member for Gippsland have been affected—members of the coalition in regional areas—and, just as importantly, Labor members with electorates in regional areas have also been affected. Not only were their electorates affected; their families were also affected. The students in those families were affected, yet many Labor backbenchers chose to remain silent whilst all this was going on and then they chose to walk the distance from there to here to defeat our sensible moves and our sensible amendments, which were deemed unconstitutional every time.

Here is a Labor government which does not listen. It is another example of a Labor government which did not listen during the water issue. It is a Labor government which has not listened in the asylum seeker issue. It has foisted a carbon tax upon Australia which it did not want. It is time this government started to listen to the people. As I say, this independent youth allowance farce was brought about by this government. It was foisted on the good people of Australia, the good people in regional areas who I often think of as real Australians. They are the real Australians who grow the food and grow the fibre. It is tough enough to carry out that job without having unfair youth allowance criteria placed upon them by a Labor government which refuses to listen and which refuses to care, especially by Labor members who know full well that what the coalition has been proposing all along has been fair and equitable.

This parliament should be all about fairness and equity, but certainly with the independent youth allowance it has not been. It has continued to ignore the wishes of the people, and it has continued to ignore the wishes of regional students who have a difficult enough job as it is to gain tertiary education. They are behind the eight ball all along when it comes to getting university degrees, yet they had this unfair independent youth allowance criteria put upon them which made it so much more difficult for them. For the life of me, I cannot understand—and I know my colleagues cannot understand either—why students in metropolitan areas were treated differently from students in inner regional areas. I ask again: why was there so much unfairness? Why did it have to take Senator Nash and others on this side to pull this government
kicking and screaming to the table of fairness in this and so many other issues? Why won't this government listen? As I say, it has not listened during the water issue. Fortunately, Griffith was not in the inner regional area, but Griffith and Leeton are certainly very much affected by the issue of unfairness when it comes to the water debate. As a whole the Riverina has also had this unfair independent youth allowance to deal with and to put up with. It is not fair. I am glad that it has taken this for the government to finally see reason and to finally bring about change. I welcome it. Hopefully it will be the start of many things to come where the government finally does start to listen to the people of Australia. (Time expired)

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (16:19): I rise to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. I note that the speaking list is devoid of anyone from the other side of the House who is to speak at any great length. It is only this side of the House that has a great interest. When I look at the speaking list it shows that members of this side of the House have a real interest in regional Australia, the welfare of those families and the students who have been adversely impacted in terms of access to post-secondary education.

For two long years the coalition has been fighting this issue with the Labor government and their unfair tightening of the criteria for youth allowance. All we ever got from the other side of the House when we put up amendment after amendment through whatever means we could find, or a private member's bill, was no, no, no. That happened every time we put up a sensible amendment or a sensible private member's bill, one that would address this anomaly and also help so many families out there in regional and rural Australia who have been impacted by this very, very unfair measure implemented by the then education minister, now Prime Minister.

Since March 2010, students living in inner regional areas have struggled to qualify for the independent youth allowance because of the changes that were made to the eligibility criteria by this government. As I said a moment ago, the then education minister, the now Prime Minister, first proposed a tightening of the criteria in mid-2009. What it meant was that inner regional students would have to work an average of 30 hours a week over a two-year period. What we have seen here is the government—finally—listening to this side of the House, and we will now see these changes being made.

This whole debacle is really just another example of this government's lack of understanding of regional Australia, yet when this government was formed we heard that it was going to be a government for regional Australia. A firm and solemn comment and commitment by the now Prime Minister was that it would be a government listening to regional Australia. If the government knew anything about regional Australia, they would understand the tyranny of distance and how it adversely impacts on regional students, particularly in Queensland because of its diversity and decentralised nature. My own electorate of Maranoa covers 42 per cent of the landmass of Queensland and three particular towns were considered inner regional Australia—they were Dalby, Kingaroy and Warwick. In the electorate of Maranoa there is no university, but those towns are considered inner regional Australia for the criteria for eligibility for youth allowance.

Not having a university in Maranoa or the three largest towns of my electorate, Kingaroy, Warwick and Dalby, means that students from right across the electorate, including those three towns where the
biggest impact was felt, have to leave home to gain access to post-secondary education. The closest university to Dalby, for instance, is the University of Southern Queensland in Toowoomba. That is more than 80 kilometres away. Warwick is about the same distance from the University of Southern Queensland. The same university is the closest for people in Kingaroy but it is 150 kilometres away. As you would know, Mr Deputy Speaker Slipper, the University of the Sunshine Coast is almost 200 kilometres from Kingaroy. Yet these three towns, under Labor's unfair criteria, were considered to be even more metropolitan than the city of Cairns—would you believe it—which has an international airport. Townsville also was considered to be more outer regional than Dalby, Kingaroy and Warwick and it is home to the James Cook University, yet Dalby, Kingaroy and Warwick were considered more inner regional than Cairns or Townsville.

The cities of Townsville and Cairns are considered outer regional Australia. This means that those students in Cairns, which has a population of about 150,000 people, who would like to become eligible for independent youth allowance can work just 15 hours per week to meet the work test for this allowance. But in Dalby, Kingaroy and Warwick, which have populations of around 10,000 to 12 000 people respectively, young people were forced to work an average of 30 hours per week because they were considered more inner regional than those students from Cairns or Townsville. It is just unfair what this government imposed on those students from rural and regional areas.

One classic example of the anomaly was that these lines drawn on maps used the access to health services map—nothing to do with education, but they were the criteria. We looked at those lines on the map. Just north of Dalby there is a little town called Kaimkillenbun. There is a little state school, a hotel and a welding business as well as people living in town. It is a lovely little community of about 150 people. The railway used to come into Kaimkillenbun from Dalby. It is disused now. If you lived on the eastern side of the railway line, you were considered inner regional Australia; if you lived on the other side of the railway line in this town of 150 people, you were outer regional Australia. That is how absolutely ridiculous these lines on maps were and how little this government understood the impact it would have and how it would even divide communities.

This also posed a significant problem for employers in these towns. Where was the incentive to hire a young person and train them only to watch them take those skills away should they qualify for independent youth allowance—one they had worked 30 hours a week over a period of 18 months? I had many calls from these students, their families and some employers, who said: 'Why would we take these people on for 30 hours a week? It's almost full-time employment. We would lose them should they qualify for youth allowance in 18 months to two years time.' It was plainly wrong and quite divisive and it impacted families who wanted to do the right thing by their young people who were desperate to gain post-secondary education.

For those young people, if they got a job it was almost the equivalent of a full-time job—30 hours a week is eight hours short of a full-time job. It may be that those students will then say: 'I've got a job and that's important. I've got job security. I'll bypass further education because I've got a job.' They will be part of that generation, because of this government's decision, that will not take up post-secondary education because it costs money to leave home. They would not qualify for independent youth allowance as
they would have under the Howard government and they may never take up post-secondary education. That was one of the great tragedies of this legislation that this government imposed on these families and communities.

People from regional Australia, if they have grown up there, gone away—and been assisted to go away, as we would want—and gained post-secondary education qualifications, are the ones most likely to come back and practise with those qualifications in their communities. For instance, we are short of doctors in regional areas; we need pharmacists; we need people in law firms in regional areas. If they have grown up there and their extended families are there, they are the ones most likely to come back. Yet these students are the ones, because of the legislation introduced by this Prime Minister when she was the education minister, who we are going to be denied that financial support or were unable to meet the criteria that was becoming so arduous that they may decide not to go on with any education beyond high school.

I now welcome the government's decision to abolish the unfair inner regional classification. Now, at long last, after saying, 'No, no, no, no,' to every amendment and every private member's bill that we introduced to this place and the upper house, they finally accepted what we have been saying and fighting for all along: that regional students be considered for the youth allowance under the same classification.

It is a small victory for the families of Maranoa, who have supported me and the coalition and urged us to continue this fight and not give up the first time we got a 'no' from the Labor Party—and from the Independents, who sit to our left on the crossbenches and supported the 'no, no, no,' to the amendments and the private members' bills that were put up by this side of the House. I say to those families out there: thank you for the continual support that you have given us. Thank you also for the fact that you have waited long and hard and for your desire, which you expressed to me on so many occasions, to save whatever you can and put money aside to make sure your children were not denied, during the period leading up to this bill, the opportunity to gain a post-secondary education.

The Labor government has missed the opportunity to completely overhaul the system. Access to post-secondary education should not be a privilege for those who live outside of easy access to university, as the other side of the House and those on the crossbenches obviously think. In the crossbenchers' support of the 'no' case of the Labor Party they are saying, 'It is a privilege and you should move your whole family to a capital city or a regional centre that has a university.' It should be a right for all Australians, regardless of whether they live in a regional or metropolitan area.

Labor has had the chance to completely rework the student income support system and help regional and rural students meet the increased cost associated with attending university because they have to leave home to gain access to university. As I said in my opening remarks, the electorate of Maranoa makes up over 40 per cent of the landmass of Queensland and yet there is not one university. So, effectively, all students who live within the boundaries of Maranoa and want to go on to post-secondary education have to leave home, with all the costs associated with that.

Many of us in this place—I have and I imagine many on the other side have—understand the costs associated with post-secondary education and the cost of moving away from home to live in a flat or in a college at university. It is enormous and
often families are unable to meet that cost and their children are unable to attend post-secondary education. That is why the independent youth allowance has been so vital to support students in gaining basic access to a university for post-secondary education qualifications.

Our plan for a tertiary access allowance will address this issue of inequity. It levels the playing field so that all regional students who are forced to relocate to undertake university studies receive support for accommodation and living away from home costs. Regional, rural and remote Australian students and their families deserve to be treated the same as their metropolitan cousins, who have access to university, can live at home and can maintain a part-time job at the same time, which is another way of helping the family with the costs associated with tertiary education even in the cities.

I welcome what, at long last, the government have done to the independent youth allowance. They have been dragged kicking and screaming to the realisation that they got it wrong, just like so many other things they have got wrong. I am certainly looking forward to talking to families at the start of next year who will be able to access this independent youth allowance because of the fight this side of the House put up. We have never given up on getting fairness and equity into the independent youth allowance criteria.

**Mr HARTSUYKER (Cowper) (16:34):** I welcome the opportunity to follow on from the member for Maranoa, who has very effectively highlighted the stupidity of what this government had done to students in regional and rural areas, but I very much welcome the effect that this new legislation will have on many families in my electorate of Cowper and throughout many areas of regional and rural Australia. It will end more than two years of unfairness, uncertainty and hardship for young people trying to plan for their higher education future. To many, the changes to the test for independent youth allowance in this bill will make the difference between attending university or not.

We have all seen evidence of the difference to earning potential that a university degree can make. To deny young people that opportunity on the basis of geography alone—that is, on the basis of the definition of an inner, as opposed to an outer, remote or very remote, area—showed an ignorance of the conditions in regional Australia and an arrogance in that the government failed to listen when the huge flaw in its own legislation was clearly pointed out time and time again. It was Labor’s failure to listen, and the support offered to Labor in this House by two people who know regional Australia well, the Independent members for Lyne and New England, that resulted in, as I said, two years of uncertainty, unfairness and hardship.

I will turn to the role of the Independent members later, but first let me say that it came as no surprise when the government refused to listen to critics of its youth allowance changes. It did not listen when it was told that rushing through its home insulation program would result in a distortion of the market with newly formed and inexperienced companies taking advantage of the opportunity to earn a fast buck and leaving a trail of shoddy and dangerous work in their wake. We all know the consequences: fatalities, house fires and a repair bill that ran to $1 billion to put right a $1.5 billion scheme. It did not listen when it was told that its bank deposit guarantee scheme should be capped. We all know the consequences there: a run on deposits in non-authorised deposit-taking institutions, resulting in savings being frozen and income
streams drying up. It did not listen when it was told that a ban on live exports would cause grave problems for cattle exporters, but it went ahead just the same.

And the then Minister for Education, now the Prime Minister, did not listen when she was told that imposing a 30-hour-a-week work requirement for independent youth allowance for inner regional areas did not reflect the reality of life in those areas. She did not listen when she was told that it was unfair to differentiate between inner and other regional areas. The reality is that work is hard to find in regional Australia where the unemployment rate is typically above the national average. With the exception of the areas enjoying the mining boom, businesses generally are just getting by or doing it tough. The reality is that a would-be student would be very lucky to find one employer alone who could offer 30 hours a week or more and would usually have to find two or three employers. That then raises the difficulty of juggling the competing demands made by the employers. I might remind members that this was at a time when changes to the award system prevented employers from offering the short shifts that might have helped would-be students in such a position.

She did not listen to the fact that work in regional and rural areas can be very seasonal, which makes achieving the 30-hour-a-week milestone increasingly difficult in times when seasonal work is unavailable. There is also the problem of physically getting to work. Regional towns do not have urban transport systems, as most of us know. Young people trying to finance their university education find it difficult to run their own car. And in regional areas many families live some distance from centres of population and sources of much-needed employment. As for differentiating between inner and other regional areas, that would suggest that there was a substantial difference in terms of the ease of finding work and transport, but the reality is that there is little or no difference, and drawing a line on a map never made any sense. Children attending the same school would end up being treated differently because they lived on different sides of a line, one with a home in an inner regional area and one with a home in an outer regional area.

For instance, in my electorate, those living in the communities of Urunga and Repton, a mere 10 kilometres apart in the same labour market, were divided by the ruling on independent youth allowance. Those young people living in Repton and Urunga would also be faced with the fact that to pursue the university course of their choice they would inevitably have to move away from home. Driving 10 kilometres up the road would not open up a whole new range of courses. Ten kilometres up the road, the range of courses would be exactly the same, yet under the government's proposal they would be treated entirely differently.

All of this should have been crystal clear, but apparently it was not to a minister who did not know, or did not care to know, what life is like in regional Australia. We tried to tell her and asked her to split the original bill as we wished to support other measures it contained, but, no, the minister just would not listen. The consequences were as predicted. Many inner regional students were forced to delay or scrap their plans or missed out on the assistance they should have had. Parents were forced to choose which of their children they should support. Many were not able to support them at all.

As with many other Labor policies, the changes left confusion, heartbreak and anger in their wake. More than 50 parents came to a youth allowance rally in Coffs Harbour to make their views known and many contacted
my electorate office. Of course, this could all have been avoided. It could have been avoided if Labor had been willing to listen. It could have been avoided if two members with an intimate knowledge of regional Australia had not supported Labor's ill-informed plans. I refer, of course, to the member for New England and the member for Lyne, whose records on this issue amount to a betrayal of regional interests. We have seen recent research by Newspoll which has shown plummeting support for these two members, due in no small part to the decisions that they make in this House and the fact that they are perceived in their electorates to be selling out their constituents.

When the coalition put forward a bill to provide fairness for inner regional students, the Independent members sided with Labor and claimed the bill was unconstitutional, despite advice from the President and the Clerk of the Senate. Instead, they opted for a review. When the facts were clear, they opted for a review, which further delayed resolving the issue and ensured that students and their families were left in limbo. Time and time again we had the member for Lyne and the member for New England voting with the Australian Labor Party and against the interests of regional and rural students. Time and time again we had the member for Lyne and the member for New England selling out their electorates. This was despite voting with the coalition in October last year on a notice of motion that would put inner regional students on the same footing as other regional students. Clearly, they then decided it was in their interests to dance to the government's tune, as they usually do, and voted against our measures which would have restored fairness far sooner.

This has been a sorry episode which has thrown the life plans of many young people into disarray. I welcome the changes that will come into effect in January, but the problem could have been avoided and the remedy could have been put in place far sooner. That is what happens when you have a government that refuses to listen to advice and you have Independent members who vote for the ALP rather than truly represent the people who sent them to Canberra.

We heard the member for Lyne in this place today seemingly blaming the whole matter on the major parties. Apparently the major parties were the cause of the problem in which regional and rural students found themselves. But the reality is that the people in his electorate are growing tired of his rather worn-out song and excuses. The reality is that the problem we have today exists because the member for Lyne continues to side with the Australian Labor Party instead of standing up for the people in his electorate. The students in the electorate of Lyne wanted relief from this ridiculous government plan, but what did the member for Lyne do? He was just like a puppet. He toed the government line, as he does. It was interesting to travel to Port Macquarie recently. We had our National Party conference there and the word on the street from everyone we talked to was utter disgust about the decisions being made by the member for Lyne on their behalf, concern that the member for Lyne was not representing their interests but the interests of Labor and that he was turning his back on the needs of regional and rural Australia.

I certainly commend this legislation. It is long overdue. It will make some welcome improvements for regional and rural students, but unfortunately a cohort of students will miss out. They will miss out because of poor decision making by the government, because of the government's failure to listen to advice and because of the unswerving support of a couple of country Independents who should know better.
Mr SECKER (Barker—Opposition Whip) (16:44): I rise to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. Students from regional areas have had their lives put back on track after this government finally decided to go back to the old rules for youth allowance, as the rest of Australia had been begging them to do for over two years.

I want to tell the House about the youth allowance story. It was a disgrace. It took this government so long to fix the discrepancies—and, yes, they have been rectified, but for 2½ long years it was a disgrace. Back in 2009, after the Labor government handed down their budget it was discovered that the budget harboured a huge discrepancy for regional students. The government, in their wisdom, had decided that students hoping to receive vital youth allowance funds to assist them on their journey to further education would have their fate pinned on a map designed for health services—not education services, health services. It was just ridiculous to use a map which was based not on educational criteria but on medical criteria relating to the availability of doctors. And this was deciding the future of our young people.

The sorry example of how regional students were being unfairly discriminated against by this government was in Mt Gambier in the south-east of my electorate. Mt Gambier is about 450 kilometres away from Melbourne or Adelaide universities, their nearest universities. It is a long way, and obviously there is no way students can actually go to university every day from home. Under the old criteria, students had the opportunity of getting youth allowance if they were away from the workforce for 1½ years. For two years in Mt Gambier if you lived in the city—450 kilometres away from Adelaide or Melbourne—you were treated like a student in Adelaide or Melbourne, but if you lived outside the town boundaries you were treated as if you were under the old Howard government conditions.

One Mt Gambier student's story unfolded in the local paper. Had their family home been built on the opposite side of White Avenue, a main road in Mt Gambier, it would have been classified as outer regional. But because they were on the other side of the road they were classified as inner regional. If they had been classified as outer regional then, under the old Howard government rules, which this government finally accepted, they could have gained financial support immediately after graduating. Instead, this student had been working four jobs during her gap year to satisfy the current 30-hour commitment.

A local school principal said that families were confused by the existing youth allowance eligibility criteria and that families needed to plan well in advance for their child to move away from home for study. These regional students were forced to find 30 hours of work a week, and anyone who has any idea about regional communities would know that this is very difficult. Communities such as those in my electorate do not have endless retail outlets and fast food eateries for young people to work in for 30 hours per week. Small businesses were already feeling the labour pinch, and then the Labor government wanted them to supply jobs for 30 hours per week for an 18-month period with no guarantee that their investment in those children's futures would actually be returned to them. It just did not make sense and, in most cases, was not possible.

I received a huge amount of letters, phone calls and emails from concerned students and parents over the length of this debate. This was a genuine problem that needed to be fixed, and we gave them the answer, but for 2½ years the government ignored the...
coalition on this issue. As the representative of a large rural electorate where parents are faced with huge costs to fund their children's university studies hundreds of kilometres away, I was extremely concerned by the government's arrogant dismissal of the very sincere problems that were caused by their careless changes to the support arrangements for rural and regional students.

Over the length of this debate the calls I received were all different, but the stories were similar: the students were very keen to attend university but could not afford to do it without the support of youth allowance. Obviously, they had the cost of shifting to Adelaide and setting up residence in Adelaide, and that was not covered by the youth allowance. A councillor for Mt Gambier had been lobbying the federal government to urgently rectify the independence criteria for Mt Gambier since early last year. He said that the independence requirements were unreasonable, unfair and impractical, particularly during university, and that regional students needed more support to compensate for the expense of moving to the city.

I am glad that the government is finally giving students in Barker a fair chance of furthering their education, but why did it take so long? The government had half a dozen chances to change the criteria for youth allowance: why did it take so long to fix an issue that was so obvious? The coalition continually pushed for the government to make the criteria fairer for inner regional students. We tried to give a voice to those students who were being treated so unfairly, but the government did not seem to want to listen. We introduced motions and legislation, we tabled petitions, we held roundtables and we spoke to the media over and over again, but this government is so arrogant that it took 2½ years for Labor to see the error of its ways.

So arrogant was this government that members on the other side voted against the coalition's private member's motion on youth allowance criteria, to the detriment of students all over Australia.

During several debates on this matter members on the other side suggested that we were ignoring the government's announcement earlier this year about the increased numbers going to university. The coalition does not have a problem with that; it welcomes that. We support that, but there was still the problem of the criteria for the so-called inner regional students not being based on educational criteria but on medical criteria and the availability of doctors. This had nothing whatsoever to do with the ability of students to attend university.

We were trying to address the problem, which was caused by the government, but it took the Labor members 2½ years to come to their senses. The government claimed that the number of inner regional students receiving youth allowance increased by 4,250 students, or 20 per cent in 12 months. The problem is that the government did not disclose that there are many students receiving only a part rate of allowance. The truth is in the details once again.

During Senate estimates it was revealed that some students could be getting as low as a few dollars a week of dependent youth allowance, compared to the full rate of $388. I would challenge anyone to be able to afford to attend university on a few dollars a week or a fortnight. These students have packed up and moved to the city to attend university because obviously they cannot attend on a daily basis from 450 kilometres away. Not too many of them own a private jet, I can assure you, and I do not think we would be giving them youth allowance if they could afford to fly to university.
It is an obvious problem. They cannot go to university on a daily basis so they have to move from home, and that costs money. During Senate estimates questioning, departmental official Marsha Milliken said that it would be a varied mix of students, some receiving the maximum rate and some receiving the part rate. To claim that 4,250 extra students are getting youth allowance, which we would welcome, denies the fact that many of them are only on a very small portion of that allowance.

Even more concerning are the government’s plans. Senator Evans was recorded as saying:

... we are committed to removing those distinctions between the various rural and regional areas, but we’ve also made it clear that there is not an endless bucket of money and I think people need to be aware that does not mean that everyone will move to the outer regional rules.

Basically, this is the government admitting that students would miss out under its watch, and now we have another Labor backflip. After all this time has elapsed since the government was first made aware of the original discrepancy, it has finally fixed the problem. I heard the member for Braddon speak. He is a good friend of mine, and he talks a lot in this chamber. But he referred to the 2½ years as ‘a period of review’. I am embarrassed for him and I am embarrassed for members on the other side, because they have to use lines such as that to cover up the big mistake that this government made. After all the pressure from angry students and parents, even after the coalition reminded the government time after time and week after week that this was just not good enough—and that was just in the period of review—it is hard to believe.

Members and senators from the coalition did a great job of keeping up the pressure on this issue. The member for Sturt in his role as the shadow minister, the member for Forrest, Senator Nash and many others were fantastic advocates for this cause. It was disgraceful that it took 2½ years for the government members to stand up and show the sort of support for students that this side of the House displayed all along. Regional students were stymied by a stupid ruling, a stupid line on a map, that is not based on educational criteria or on the ability to go to university. It is based simply on the availability of doctors in a town, not on the ability of students to go to university—which should have been the first principle.

With my remaining time I wish to raise another important issue. During the 2½ years the problems with youth allowance raged on, I took many calls from students and families who had contacted Centrelink to speak about their eligibility. I understand that it can be difficult to make every single person fit into a single criterion as set out by legislation, but time after time I received calls from frustrated students and families who had been given incorrect advice. Obviously the people in Centrelink had not been instructed to give the details on what is inner regional and outer regional and they did not understand the difference.

On 13 May this year I wrote to the Minister for Human Services, Tanya Plibersek, to make her aware of my constituents’ difficulties with Centrelink advice. In my correspondence I highlighted the need to adequately train staff and suggested that problems families are facing with incorrect advice had been made worse by the youth allowance discrepancy for students from Mount Gambier. That incorrect advice suggested that they would be treated the same as those at, say, Naracoorte or Penola in the outer regional areas. They were given the wrong advice, had their hopes raised by the suggestion that they would be eligible for youth allowance...
and then, when it finally came back, were told they were not, so that was even worse.

Senator Nash also very kindly wrote to the minister and raised the concerns of my constituents in budget estimates on 1 June this year. In response to my correspondence, the Minister for Human Services stated that the issue was complex and apologised for the unsatisfactory service. The minister for tertiary education, Senator Evans, refused to accept any responsibility for the unfair treatment of regional students and the resulting difficulties for Centrelink staff in giving correct advice. Unfortunately, this is what I have come to expect from this government. Ministers seem oblivious to the problems that exist within their own legislation and are largely unwilling to correct them.

Sadly, that example was not the only one I heard. I had contact from other families who had also been given incorrect advice. It beggars belief. If Centrelink staff cannot understand the legislation then how are families and students meant to? This has been the case with many programs under this government.

Look at the examples: pink batts, BER, computers in schools and green loans. As with all of those programs and many others, youth allowance fell victim to this government’s hopeless management.

The more worrying factor is what it takes for this government to realise the errors of its ways. We all know the sad stories of pink batts. We all saw the rip-off with BER. It took 2½ long years of constant lobbying by the coalition and relentless efforts from all members before this government decided to do a backflip. We welcome that backflip, but we have to ask: why did it take so long, why did they get it wrong in the first place and when are they going to apologise to the students in rural areas who have been disadvantaged by such a shocking decision of this government?

Mr TEHAN (Wannon) (16:59): It is with mixed emotions that I rise to talk on the Social Security Amendment (Student Income Support Reforms) Bill 2011. They are mixed emotions because, as the member for Barker has so eloquently outlined, the government has finally decided to do a backflip, listen and make the changes that we have been asking for for 2½ years. The problem is that it has left students for 2½ years in limbo. To start with I would like to see the government coming in here and sincerely offering an apology to those students who were left in limbo for the last 2½ years.

This afternoon I would like to outline the cases of two of those students to whom the government might consider making that apology. They are two students who have been left in limbo because of this government’s tin ear. It is a tin ear that this government has—and I hate to say it, but it seems to be the Prime Minister in particular who has the tin ear, because let us not forget that it was the Prime Minister in another guise when she was the Minister for Education who brought in these changes and heralded them as fair and delivering to students more access to tertiary education, not less. It is the Prime Minister who ultimately should be the one who apologises to all those students in regional Australia who have missed out on accessing a tertiary education over the last 2½ years.

I want to place on the record just two examples of students who have had difficulty because of the changes the Prime Minister brought into this chamber when she was the minister. This is a letter I got from Anna Zebra:

I have been increasingly frustrated with the Youth Allowance situation and the fact that it directly disadvantages country students. I am more than
happy for you to use our situation as an example.
and will outline our story:
We have four children, and at this stage two have
chosen to pursue a tertiary education, which in
both cases involves them moving over two hours
from home to do so. We live about 10 minutes
from Hamilton in a small town called Tarrington.
Unfortunately we are not in a financial position to
support two children living away from home.

My daughter Jaz completed year 12 in 2008 and
took a year off in 2009 to work and travel, then
commenced her tertiary study in Melbourne in
2010. She qualified for Youth Allowance as an
independent having satisfied the requirements,
and is continuing to study and support herself this
year.

My son Tyler completed year 12 in 2009 and also
took the following year off to work so that he
could also qualify for Youth Allowance.
Unfortunately the requirements were changed in
this period so that now due to the "zoning" rule he
cannot receive the payments and will have to try
to support himself in his studies at Ballarat
University. I will outline his situation in point
form below—

and she goes on. In the end, Tyler decided
not to attend Ballarat University and deferred
his position for 12 months—a prime example
of what happened as a result of this
government's changes.

I will also read out the case of Michelle
Jansen, and hers is even more tragic. She
grew up in a family living outside of
Hamilton and had decided that once she
finished year 12 she was going to attend
RMIT in Hamilton for the nursing course.
She decided that she wanted to move out of
the home, so she did this and incurred all the
expenses which go with that: purchasing her
own fridge, washing machine et cetera. She
started working in the local McDonald's and
started racking up the hours she needed to
qualify as independent. Sadly for her, the
rental accommodation that she was living in
burnt down, and she lost everything. As she
says in the letter that she wrote to me, 'That
night was the worst night of my life.'

She had a small amount of contents
insurance coverage that did not cover all of
her possessions, which then just meant that
she had to work even harder to pay for new
contents. She says, 'This disaster put me back
to square 1.' But with persistence she
recovered and was heading along to being
able to do her nursing course at RMIT in
Hamilton. Then, sadly, RMIT in Hamilton
could no longer offer their nursing course.
As she writes in the letter to me, when she
heard this news:

I was bawling my eyes out!
I couldn't believe that one of the things that kept
me going through the house fire incident, was
cancelled on me. I was very frustrated and hurt
for a second time in a period of a year! I didn't
know what to do.

She explored whether she could go to
Warrnambool to do nursing there. There is a
very good course offered by Deakin.
Fortunately for her, someone else was trying
to look after her and was able to point her in
the direction of accessing a full
Commonwealth fee scholarship—without
her knowing—at Bundoora in Melbourne.
Delighted by this news, she thought, 'Okay,
now I will look and see how I can qualify to
get my independent youth allowance.' As she
said:

I worked it out that I had earned more than
enough of the 75% with independent youth
allowance and that I would be able to afford uni
down in Melbourne possibly after all.
I had decided to go down to orientation week,
have a look around and see what it was going to
be like. It seemed so out of my comfort zone! I
was used to the quiet country life and had only
been to Melbourne approx. 7 times in my life that
I can remember. The big city was too busy and I
hated it there! It was a place I was avoiding when
deciding where to go to university for nursing.
I thought if I went, I had the option of withdrawing before 31st of March if I disliked it, could fill in a leave of absence, or transferred possibly if I made it through the whole year. While all this decision making was going on for her and she was deciding whether she should go down to Melbourne for what she has explained would be a huge move, she started inquiring at Centrelink as to when and how she would get her payment for independent youth allowance. Sadly, she was told after two or three weeks that she would not be able to get any independent youth allowance at all. She goes on in the letter to describe her sadness at having her house burn down, of having her two courses in Hamilton and Warrnambool not available to her, and then having being able to go to Melbourne taken out of her grasp. Her sadness turned to pure anger at the mishandling and bungling of the independent youth allowance issue.

Those are just two examples—and I have received many more—from students in my electorate who have suffered as a result of this federal government's bungling of this issue. I would hope that at some stage someone from the government—and it should be the Prime Minister because it was her legislation—would come into this place and offer an apology. Students in inner regional areas have suffered for 2½ years as a result of the changes made by this Prime Minister.

I could think, 'Okay; this is explainable,' if it were a unique example of the incompetence and bungling that we have seen from this government. But, sadly, it is not. Sadly, the lessons do not seem to be being learnt. One only has to look at the live export issue, or the turmoil that the Australian population has had to endure over the last 48 hours or the problems with the BER program. I was at a school in my electorate only four days ago; they have been looking at their brand new gymnasium for two terms, but the students, sadly, cannot access it. It is just story after story after incompetence. It is sad what it is doing to the Australian population. I think that they are looking to government and wondering how incompetent a government can get. How can it do this to these people? How can it do this to these students in inner regional areas? How could it come up with a policy which it said was providing fairness when, in fact, it was doing quite the opposite? It is not a good situation.

As we have seen, the government had 2½ years to fix this. For 2½ years we have tabled petitions in this place, for 2½ years we have put forward private members' bills in this place and for 2½ years we have written to ministers about letters from students who are being impacted upon. Yet the government would not act. Why wouldn't it act? I hope it was not out of malice towards these students from regional and country Australia or that they were out of sight and out of mind and were not cared about. If that is the case, it is sad beyond belief.

I hope that the government has learnt from this sad case which has occurred over the last 2½ years and I hope that now it will seek to address the whole issue of providing proper financial assistance to tertiary students from country areas. There are two things which the government could do. It could say that we need a complete review of how the system works. We have to look at ways of ending the decline in the participation of students from regional and rural areas. That is the first thing—a complete review of the funding is required. The second thing required is that the government could provide assistance for universities in regional and rural areas. We have to ensure that those universities have the support that they need to offer the necessary courses. That way, we can not only get country students accessing
those universities but also get city kids going to regional and rural areas to attend university. You could get a crossover which would work really well for Australia as a whole. We are seeing the continued urbanisation of Australia, which is a growing issue that we are continuing to grapple with. By putting more focus and more resources into our universities in regional and rural areas it would help with the growing issue of urbanisation in Australia today.

As I said at the outset, I rise to speak on this bill today with sadness because of the impact it has had on regional and rural students for 2½ years. I also rise knowing that, finally, the government has acted, and I ask, once again, for the government to admit that it got it wrong and that it has caused a lot of angst for students in inner regional areas. I hope that the government has learnt from this. I hope that, in future, it will look at the consequences that come from changing legislation and implementing something which in the end hurts, in particular, our country areas.

It might be all well and good to have decision making which improves the lot of those in urban areas, but the government should always remember that there could be unintended consequences for those living outside urban areas. That is exactly what the legislative changes made 2½ years ago by the government did, and they caused an enormous amount of angst in inner regional areas. The 2½ years to fix them was far too long. I am glad that the government has finally owned up and admitted that it got it wrong. An apology from the government would be appreciated by us on this side. I do not expect it, sadly, but it would be good if it did come. I hope now the government will move to improve the lot of country students who want to access a tertiary education and will look to review the whole funding system.

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (17:14): As an MP who represents a regional seat and regional students who aspire to going to university, I am very pleased to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. From the outset, let me congratulate Senator Fiona Nash whose focus and persistence drove this issue and led Nationals and rural Liberals to persist with this issue for 2½ years. The government have finally capitulated and, hearing the speeches today, you know why they had to.

The bill, as we see it today, has been a long time coming. The government's delay in seeing common sense in the issue of students in regional areas qualifying for the independent rate of youth allowance has caused untold heartache for thousands of families living in regional Australia. Over those 2½ years, how many kids did it deprive of or drive away from tertiary education? That is the real crime. Finally, after these 2½ years of lobbying by students, parents, educational stakeholders, communities and the coalition's rural members, the government has introduced legislative changes to make accessing independent youth allowance easier for students classified as living in inner regional areas.

The government has, at long last, agreed to ditch the 30-hour-a-week work rule for inner regional students and apply exactly the same and fairer criteria that apply to students in outer regional, remote and very remote areas. This may appear a complex issue, but in fact it is really quite straightforward—all regional students deserve to be treated the same when it comes to accessing independent youth allowance.

Under the government's original scheme, virtually every student in my electorate was classified as 'inner regional'. The only
exceptions were students living in a wedge of sparsely populated country. In fact, the map used to decide the various classifications is actually one used by the Department of Health and Ageing in deciding the remoteness of areas of regions throughout Australia. What that has to do with tertiary education bewilders me. The absurdity of this arbitrary boundary is demonstrated by the fact that students living on the eastern side of Goodwood Road—Goodwood Road being an artery through my electorate—were classified as 'outer regional' whilst those on the western side were classified as 'inner regional'. Students in this situation could wave to each other from their bedroom windows, but one of them would have work 30 hours a week for 18 months over a two-year period to qualify for the independent rate of youth allowance whereas the other could simply work for a lump sum of $19,500 over an 18-month period.

The quandary was exacerbated by the fact that finding paid employment in regional Australia has become increasingly difficult under this government. In the Wide Bay Burnett region it has been particularly hard, as the region's unemployment rate has risen consistently since Labor came to power. When the coalition left government in November 2007, the region's unemployment rate was 3.5 per cent. Since then it has climbed to more than 10 per cent, and in August it hit 12.3 per cent.

We all know how hard it can be for young people to get their foot in the door when it comes to getting a job. This is proven by the unemployment rates for young people in the Wide Bay Burnett area. The full-time unemployment rate for people aged 15 to 24 in the Wide Bay Burnett region paints a stark picture of what I am saying. In November 2007, the full-time unemployment rate for this age group in the Wide Bay Burnett region was 9.2 per cent. If you have a look at July of this year, it is up to 28.9 per cent. That is almost one-third of young people in the region without any form of paid work. As you can imagine, the pool of jobs for kids who want to work part time is not going to be real bright either.

Just what sort of government expects its young people in such a poor employment environment to find a job and then work three-quarters of a full-time load before they can qualify for educational assistance? I could never see the sense of this. On the one hand, we of all parties run around saying: 'We've got to keep our kids in tertiary education. We've got to be the smart country. We've got to be ready to have lots of well-educated people at the end of the mining boom. We've got to have all these things.' We know how tough it is for kids to get a job in country Australia. But despite all that, we have put a totally unrealistic measure on this inner regional group which makes it almost impossible for them to qualify. What we should have had is a simple measure of—over 12 months that covered one gap year of the student, not over 18 months—a demonstration that they could live independently. That is all that was needed. It did not have to be the bureaucratic nightmare which it became.

I take you to the case of Cairns and Townsville. I am not critical of Cairns and Townsville as communities—they are marvellous communities, but I am using them as a basis of comparison. They did not have to suffer this inner regional classification. Townsville has a population of 186,000 people and Cairns has a population of 151,000. They have university campuses of 11,000 and 4,000 students respectively. In other words, there are lots of opportunities for kids in those towns, a) to get jobs and, b) to go to university, and yet they had to meet easier criteria. Their students could qualify for the independent rates under these easier
criteria and only have to contend with the maximum youth unemployment rate, in Townsville's case, of 17.6 per cent. As I said before, the rate in the Bundaberg and Harvey Bay area is 28.9 per cent. So those students living in much larger cities serviced by jet aircraft, fully fledged university campuses and fair employment opportunities have a much easier lifestyle than kids living in Childers or Bundaberg or Hervey Bay or Bargara—students in my electorate who are forced to jump through higher hoops. Statistics already show that young people living in regional and remote areas have much less chance of obtaining a university degree than those living in the cities, and throughout this saga the government has made it even more difficult for them. I did a little bit of research on this and I found that the population of regional Australia is approximately 25 per cent of the total population of the country, whereas the tertiary student participation rate in regional Australia is 18 per cent—18 per cent against a total population of 25 per cent. In other words, regional Australia was at a disadvantage before all this nonsense the government participated in commenced.

Back in 2009, more than 700 local residents signed a youth allowance petition I sponsored, protesting Labor's decision to make retrospective changes to the scheme's qualifying criteria. Their concerns were entirely understandable. It costs families between $18,000 and $20,000 each year to have a student away at university; it is very different, of course, if they live at home. Many students from my electorate aspire to attend capital city universities—not for any self-aggrandisement but rather to get to certain courses that are not available on regional campuses. Under the government's former manifesto, either those kids had to work full-time hours whilst studying to have any hope of qualifying for the independent youth allowance or their parents had to subsidise their living costs. Either way, it made their lives, and the lives of their parents, very difficult indeed.

Labor and the Independents have continually thwarted the Coalition's attempts to fix the problem and make the criteria fairer for the thousands of students affected. While perhaps you can understand the indifference of the members for Melbourne and Denison in this matter because of the sorts of electorate they come from, I was surprised that my colleagues the members for Lyne and New England should have made it difficult. I would have thought they of all people, with University of New England and Southern Cross University campuses in their electorates, should have been at the forefront of that.

Mr Windsor: Now you're just like the rest of them.

Mr NEVILLE: No, I am not like the rest of them. We have to be answerable for things, and I think you guys have to sometimes as well. Anyhow, earlier this year the Senate passed a coalition bill that would have made it easier for students living in inner regional areas, including Bundaberg, the Coral Coast, Childers and Hervey Bay, to access the allowance. The bill required fair and equitable treatment for regional students in accessing independent youth allowance, and it was something families in my electorate, as I said, were crying out for. Unfortunately, the government reacted by saying the bill was unconstitutional, and in a matter of days the four Independents voted with federal Labor in favour of Labor's then commitment to 'review' the student income support scheme sometime in the future. That was hardly the solution. At that time, the review was slated to report by 1 July of this year, with changes to be operational from 1 January next year. The coalition pushed for
the government to act immediately after the review concluded, but the two regional Independents again voted with Labor, which ensured that the time frame between the recommendations and actual changes was not shortened. For the life of me, again—these are two people I respect and get on with—I could never understand why.

The delay, of course, caused great frustration for families living in regional areas. They had to wait until September to hear the fast-breaking news that the government—surprise, surprise—had decided to let inner regional students apply for the independent allowance under the same rules as outer regional, remote and very remote students—in other words, what it was originally and what the coalition had been demanding all along. Specifically, to be able to qualify for the independent youth allowance, students from 'inner regional' areas will have to earn at least $21,009 over an 18-month period or have worked at least 15 hours a week for at least two years after leaving high school. That will be achievable; the other measure was very difficult. So in a nutshell, after to-ing and fro-ing, public debate, legislative changes and the heartache of regional families, we have come right back to where we started from.

What I am pleased to see though, is the ability of 2009 and 2010 school leavers, if they have worked and met the requirements, to qualify for independent youth allowance when these changes come into effect. But to achieve all this, of course, the government has to find savings to offset the costs of the changes, and they come in at around $265 million, comprising: (1) wind-up of the Rural Tertiary Hardship Fund; (2) deferral of measures to extend youth allowance eligibility for masters by coursework students from 1 January 2012 until 1 January 2014; (3) reducing the value of start-up scholarships from $2,194 a year to $2,050 a year from 1 January 2012; and (4) adjusting the amount of the relocation scholarship. Of course, the irony here is that, had the government not changed the independent youth allowance criteria in the first place, they would not have been put in the position where this $265 million was necessary.

That having been said, I return to my original theme. I congratulate Senator Fiona Nash. She did a persistent, well-measured and careful job on this. She led the coalition’s National Party and rural Liberal members to a very successful outcome, and I must say I am delighted for all regional Australian students.

Mr WINDSOR (New England) (17:29): It is with pleasure that I rise to speak on the Social Security Amendment (Student Income Support Reforms) Bill 2011. I made a few notes for my speech. At the top of them I have noted that I am very disappointed in the road just taken by the member for Hinkler, for whom I have great personal regard. It highlights the way in which the National Party in particular have turned this issue on its head for political advantage. I was not going to do this today but, given the comments I have heard, I now think I will. I will place on record some of the Senate Hansard from when the previous arrangements were put in place. The member for Hinkler may not have known about this but I think he should know, and it is something that members who are really interested in the youth allowance debate should be aware of. I am very proud of the role that I have played, and I congratulate the member for Lyne, Rob Oakeshott, in terms of the arrangements that have been put in place. The member for Hinkler may not have known about this but I think he should know, and it is something that members who are really interested in the youth allowance debate should be aware of. I am very proud of the role that I have played, and I congratulate the member for Lyne, Rob Oakeshott, in terms of the arrangements that have been put in place since the hung parliament—the review was expedited by 12 months—and the final agreement to review the disparity between inner and outer regional students. Obviously, this has been of concern to a lot of young people and their parents, and that would
seem to be a bit of an indicator that the opposition in this parliament appear to be very keen to create fear amongst people. Even in recent months, when they were very well aware that this issue was going to be resolved through the budgetary process et cetera, they have gone out and continually created that fear.

The genesis of the issue between inner and outer regional students actually came out of the last parliament, and I think most of us would remember that. I was involved in the debate at the time. With the nature of the Senate at the time, I was attempting to negotiate on the final night with Steve Fielding—in fact, the current Prime Minister was the minister at that time—to come up with a regional package that would overcome some of the issues we are still talking about today and which have been resolved through the injection of $265 million.

People who have followed this debate or who have been taken in by the guilt process that the National Party in particular have been trying to cover up should know that one of the reasons those negotiations with Senator Fielding were not able to get through was that the government of the day and the National and Liberal parties had done a deal whereby inner and outer regional students would be treated differently. So rather than being the bastion of good against evil, the National and Liberal parties were in part the creators of this difference between inner and outer regional students. It was based on a sum of dollars rather than a long-term policy in relation to country students. Both sides of parliament were complicit in the arrangement.

I will read from some previous documentation. The deal struck by the coalition with the government in the previous parliament, which enabled students in outer regional and remote areas to apply under the old eligibility rules, excluded students from inner regional areas such as Tamworth. The amendment referred by Senator Nash at the time to include inner regional students under the old criteria was very much political trickery to cover up their botched deal with the government. This was particularly highlighted by Senator Fielding during the debate in the Senate regarding the amendment. Students of this particular issue should have a good look at this. Senator Fielding, on 17 March 2010, noted:

It was very interesting to hear Senator Carr say that the coalition, which is the National Party and the Liberal Party, did not include inner regional in their agreement with the government. That is interesting. Where was the National Party when you were sitting down with the minister agreeing to a deal that cut out rural and regional areas? Where were they? They are here now. But where were they when the minister said that they did not include inner regional in the deal? That is funny. The National Party did not seem to want to stand up then.

That is the genesis of the problem we face. A deal was struck on behalf of the coalition—and Christopher Pyne does not deny this because he was a signatory to the deal—that inner and outer regional students would be treated differently when the legislation went through the Senate. The National Party had a bit of a panic and the guilts in the Senate at the time even though their shadow minister had signed off on the deal. Suddenly they thought: 'This doesn't look good for us. We have not stood up for our people. We'd better run an amendment in the Senate—which we know will fail because our shadow minister has already signed a deal on it—so that we can refer to it as a valiant attempt to stand up for country kids if anybody ever reflects on this grubby deal between Christopher Pyne and the government minister at that time.' And that is what the member for Hinkler has
just done. So that is the genesis of the issue that we are dealing with.

I remember being involved at that time in getting a retrospectivity issue removed from that particular piece of legislation, which in fact had been agreed on by some members of the coalition at the time. Marching forward to the new parliament, I remember that this issue was raised in the decision-making period when we were working with both Mr Abbott and Ms Gillard on the formation of a new government. Given that a great number of regional students were now able to gain access to youth allowance through new criteria based on their parents income rather than through the work test, it was decided that there needed to be a review: how do you put in place something that actually embraces the income of the parents—so that some students are not encouraged towards a gap year; they can go directly to university and access youth allowance on the basis of the parental income—and takes out the disparity between inner and outer regional students?

The member for Lyne and I had a number of meetings with the Prime Minister and others—the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Evans, and many staff members—in the formulation of the policy after the review had taken place. I am proud of the role that I have played in that. But people should remember that the genesis of a lot of this stuff was in a parliament where Christopher Pyne, on behalf of the coalition, signed off with the minister of the day and agreed that inner and outer regional students would be treated differently.

There has been prancing about and the gnashing of teeth in here today about how this has all been created because of Senator Nash. I congratulate Senator Nash because she has talked about this issue, but she did not stand up in the Senate when the time was right to stand up. She agreed to the deal and then found this might be used against the coalition at a future time, so they resurrected this mickey mouse arrangement to make it look as though they had stood up when they had not and when their shadow minister had already signed off a deal.

This year there have still been some in the Senate who have been guilty about the distancing of the inner and outer regional students. So suddenly we started to see some legislation which was obviously tailored towards country Independents in this chamber. They were political pieces of legislation rather than attempts to do anything meaningful about a real issue. I have been in a hung parliament before. I have seen it before. It was the Labor Party back then trying to do it when I was supporting a Liberal government. The Labor Party would dish up what we used to call these embarrassing country Independent issues almost daily.

Senator Nash and others decided, 'Let's introduce some legislation into the Senate and we can reverse order it back to the lower house.' The member for Lyne and I looked very seriously at those pieces of legislation and I sought legal advice from the clerks. I also sought legal advice from outside the building as to the constitutionality of those money bills. I know the general public does not fully understand that, and I understand that they do not, so it is easy for people to play politics and say, 'We tried.' Senator Nash has been saying for months, 'We tried, but the dreadful country Independents would not support us and isn't it terrible,' having forgotten what happened on 17 March 2010 when the coalition sided with the very amendment that took out the inner regional students. They were complicit in that deal.
So we had this run of bills that were unconstitutional because they were money bills and there were all sorts of threats to test that in various places. I take notice of the clerks. I think the clerks in this parliament are a credit to our democratic processes. All of us in this building from time to time have had a need to talk to the clerks about various private issues or complex pieces of legislation. Irrespective of political persuasion, the clerks give extraordinarily good advice and their confidences are kept. I think all of us would agree with that statement. I have talked to the clerks on a number of occasions. I got written advice as to whether the Senate legislation could go through the House of Representatives and, if it did, whether it would be accepted by the Governor-General. That advice was that they did not think that it could, they thought it was unconstitutional, and that even if the House did pass the legislation it probably would not go anywhere. There was a whole range of other machinations that I will not enter into.

I also sought independent legal advice from outside the parliament. That was not to check on the clerks—I have the utmost faith in their views—but I thought it was worth getting an outside opinion. Similar opinions were given. I am quite disappointed in the member for Hinkler. I do regard him as a friend and I think he is a very good member of parliament and a good representative of his community, but he is running this nonsense that the country Independents—as he calls them—did not support the coalition's attempt to change the legislation over the confusion between inner and outer regional students. The member for Lyne and I worked diligently on getting this done. It is done, it has been done and it has been fixed. We have maintained the very real advantages that were not in the original Howard legislation and were not in the butchered arrangement between Christopher Pyne and the minister in the previous government. We have maintained the parental income arrangements as well as gained the capacity to remove the differentiation between the inner and outer regional students.

The conga line of people coming into here today trying to create an old type of history demonstrates the guilt they must have felt from when they signed off on the deal they argued against for the next two years. They then introduced these country Independent mickey mouse pieces of legislation in the Senate to make it look in the public arena that country people were voting against their own people. One of the things we all have to have regard for in this place, irrespective of politics, is the Constitution. That is the process that I went through in determining the constitutionality or otherwise of the bills that were coming out of the Senate. So I congratulate the minister, I congratulate the government and I congratulate all who have been involved in a constructive process to rectify a problem that was created five years ago. (Time expired)

Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (17:44): I would like to provide some concluding remarks in relation to the Social Security Amendment (Student Income Support Reforms) Bill 2011, and table a correction to the explanatory memorandum as I do that.

Higher education is central to achieving the government's vision of a stronger, fairer and more productive nation, and the government's commitment to increasing access to university for students is a key element of higher education reform. The Social Security Amendment (Student Income Support Reforms) Bill 2011 will amend the Social Security Act 1991 to remove distinctions between students from inner
regional Australia and those from other regional and remote areas in accessing independent youth allowance. It also ensures that young people from outside the major cities, who are dependent on their families for financial assistance and need to relocate for their university studies, will receive additional financial support in the second and third years.

Following last year’s reforms to student income support, many more young people particularly those from families with low income, are now accessing youth allowance while they study at university. Overall, from March 2010 to June 2011, there has been an 18 per cent increase in the number of students accessing youth allowance. The reforms have also had a positive impact on families from remote and regional areas of Australia, with more young people who need to live away from home to study being able to access assistance.

Through this bill the government will deliver a fair and equitable package of additional measures that provides additional support to young people from regional areas, while maintaining an emphasis on assisting students from low socio-economic backgrounds. From 1 January 2012 students from inner regional areas will have access to the more generous part-time earnings and workforce participation for independent youth allowance currently available to outer regional, remote and very remote students who need to live away from home to study after completing secondary school and whose parents earn less than $150,000 per annum.

The new independence arrangements will be available to young people from inner regional Australia from 1 January 2012 subject to them meeting the eligibility criteria. Employment since leaving school will be taken into account when assessing whether a young person meets the criteria, even if that work was done prior to 1 January 2012 by a young person who left school in 2011, 2010 or earlier.

To assist in resolving any confusion about whether work undertaken prior to 1 January 2012 can be counted towards the independence test I have tabled corrections to the explanatory memorandum for this bill that clarify this matter. The government is also resetting the value of relocation scholarships to provide extra support for eligible dependent students from regional areas. These scholarships will generally be $4,000 in the first year the young person is required to live away from home to study, and $1,000 in subsequent years of study in an approved scholarship course.

For eligible dependent students from regional and remote areas the relocation scholarship amounts are doubled to $2,000 in the second and third years of living away from home to study. These amounts will be indexed from 2013 and there are no changes to eligibility criteria. In any year there will be around 15,000 students who will benefit from this change over the period of their degree. The amendments to the explanatory memorandum also clarify that the new relocation scholarship amounts will apply from 2012 for all eligible recipients.

In addition to several technical amendments the bill includes amendments to offset the cost of the extra assistance for regional students from within existing funds. This fiscally responsible package reflects the government’s ongoing commitment to open doors to higher education for young Australians.

Question agreed to.

Bill read a second time.

Message from the Governor-General recommending appropriation announced.
Third Reading

Mr GARRETT: by leave—I move:
That this bill be now read a third time.
Question agreed to.
Bill read a third time.

Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011

Second Reading

Mr BANDT (Melbourne) (17:50): I present the explanatory memorandum for this bill and I move:
That this bill be now read a second time.

Democracy is not fixed and set. There is no blueprint which we have to follow. Democracy evolves and the meaning that is given to democracy changes over time. But what does not change is the core value at the centre of democracy. That core value can be summarised in this way: the people will decide how and by whom they are governed. In other words, the people will have and enjoy a right to self-government. And that is what this bill is about. It is about giving real self-government to the people of the Australian Capital Territory and the people of the Northern Territory. It is about removing the power of the minister to trample on the democratic rights of citizens of the ACT and the NT and it is about taking the next step in the evolution of our democracy in Australia. I am very proud to be moving this bill, which is an initiative of the Australian Greens to give the citizens of the Australian Capital Territory and the Northern Territory equal constitutional rights. If it passes today it will be the first bill initiated by the Australian Greens to pass the parliament. In particular I want to pay tribute to the leadership of Senator Bob Brown with his longstanding campaign leading the parliamentary process on territories' rights. I hope all parliamentarians will get behind this bill, which has already passed the Senate in an amended form.

The bill, the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011, has been through an exhaustive debate and inquiry in the Senate. It has been improved by amendments negotiated between the government and the Australian Greens, and I hope it will soon become law. The Constitution says in section 122, with the headline 'Government of territories':
The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth ...
That is what is in process here today.

A couple of decades ago this same parliament under the Constitution to make laws for the territories, legislated to transfer its power to the executive—that is, the minister of the day. This means that with the stroke of a pen a minister can override the outcome of a deliberated vote following a debate of the elected representatives of the assemblies either in Canberra, in relation to the ACT, or in Darwin, in relation to the Northern Territory. This bill simply goes back to where the Constitution would have it—that is, the territories will effectively legislate unless or until a vote of both houses of parliament overrules legislation or passes legislation for either of the territories. We cannot change that provision of section 122, or of section 123 which also deals with limitations on the powers of the states, unless we go to a referendum.

There is the prospect that the Northern Territory, which I think is moving in that direction again, will eventually end up subject to a referendum. I would not discount the possibility, as others have, that at some future time Australians might want to give the growing population of the ACT the ability to have self-determination through a
form of statehood which would provide for all the amenities of this being the national capital but also provide for enhanced powers for the people of the Australian Capital Territory. That is a matter for future debate.

This legislation today simply restores at least the right of the assemblies to pass legislation for their citizens without being overridden by a minister without reference to this parliament. It is as simple as that. It does not, as some who have attempted to run a scare campaign on this issue have suggested, refer to equal marriage or euthanasia. In fact, it enhances the powers of the territories to legislate at least in the matter of equal marriage if it wants to, but that is entirely a matter for the territory, just as it is a matter for New South Wales, South Australian, Queensland, Western Australian and Tasmanian parliaments. But it will not allow territories to enact legislation on euthanasia because the Andrews bill, passed by this parliament and opposed by the Australian Greens, is still in force and would prevent it. So the scare campaign by the opposition is simply misdirected.

So that the opposition is absolutely clear about what this bill does and does not do, I will outline in some detail the features of the bill and the process that has led us here. The bill amends the Australian Capital Territory (Self-Government) Act 1988 to repeal the provision which enables the Governor-General to disallow and recommend amendments to any act made by the ACT Legislative Assembly. The bill, along with amendments circulated by Senator Brown extending the operation of the bill to the Northern Territory and Norfolk Island, was considered by the Senate Legal and Constitutional Affairs Committee. The majority report of the committee recommended the bill be extended to the Northern Territory but not Norfolk Island and that the objects clause of the bill be amended to better reflect the content of the bill. A dissenting report by the Liberal members on the committee expressed their opposition to the amendments.

During debate in the Senate on the bill, the government moved amendments which had been agreed with the Australian Greens. The amendments did the following: changed the title to the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011, amended the objects clause to more accurately represent the objects of the bill, and repealed similar provisions in the Northern Territory (Self Government) Act. The coalition moved amendments to preserve the ability of the federal executive government to disallow territory law if the law is inconsistent with a federal law, and specifically referring to laws inconsistent with the Marriage Act. I understand the opposition will move similar amendments in this chamber.

The Australian Greens will be opposing these amendments as they undermine the intention of the bill, which is to remove the executive power to disallow territory law. The Constitution continues to provide for the parliament to overturn territory law. The whole thrust of this legislation is to give the territory assemblies, as far as is practicable, the same rights to pass laws for their citizens as the state assemblies have. These amendments want to cut down the rights of the people of the territories to deal with marriage laws in ways that are not different from those of the states. This cuts across the whole principle of the legislation. The Greens will not be supporting the coalition amendments.

The Attorney-General provided advice to the government that the opposition amendment is unnecessary to maintain the status quo in section 122 of the Constitution. The bill has the strong support of the Chief
Ministers of the ACT and Northern Territory. They both appeared before the Senate inquiry calling on this parliament to respect their democratic mandate. I have here their letters to the committee and Senator Brown. One from the Chief Minister for the Northern Territory government, dated 8 March this year, said:

The Northern Territory Government expresses its support for the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010.

The amendments to the Bill are consistent with my Governments position that limitations to the Northern Territory's legislative and executive powers that are not imposed on the States should be removed, and consistent with the Northern Territory's commitment to achieving Statehood.

Thank you for the opportunity to contribute to the Inquiry.

That is from Paul Henderson. Separately, the Chief Minister of the ACT Legislative Assembly wrote to Senator Brown saying:

Dear Senator Brown,

I write to thank you again for your ongoing support of the ACT's bid for stronger self-government arrangements through your introduction and continued espousal of the Australian Capital Territory (Self Government Amendment Disallowance and Amendment Power of the Commonwealth Bill 2010 (the Bill).

As you are aware, the bill was referred to the Senate Legal and Constitutional Affairs Committee for inquiry. The ACT government, along with many other groups and individuals, made a submission to the inquiry supporting the bill. The committee's report was tabled on 4 May 2011. I understand the bill is likely to be considered again by the Senate shortly.

It went on to say:

Given the committee's support for the passage of the bill, I am optimistic of wider support. I note Commonwealth officials appearing before the Senate committee indicated the federal government intends to support the bill. I ask that you also continue to voice your support for the findings of the committee and rally for an affirmative vote in favour of the bill. The committee has recognised that our assembly and its members have 'demonstrated a high level of maturity and competence over many years'.

I believe, as you do, that it is time the ACT's self-government arrangements reflected this and it is my sincere hope that you will support the passage of this bill to allow the citizens of the ACT to have their views represented in a legitimate, democratic parliament—the birthright of all Australians.

Thank you for your initiative on these important issues. I have also written to all crossbench and opposition senators urging them to support the bill.

In conclusion, in the 2008 election 220,019 voters in the Australian Capital Territory elected a legislature. And in 2010, 80,029 voters of the Northern Territory elected their legislature. Their laws should not be overridden by the federal government and, in particular, by the executive of the federal government. The executive can and does meet in secret, without the direction or agreement of the parliament. The provision for the executive to override the Australian Capital Territory's and the Northern Territory's laws leaves parliament and its consultative committee system diminished and reactive. This is not the spirit of the Constitution. This removes the anomaly and restores the parliament's exclusive power to wield or constrain Constitutional authority over the territorial assemblies. I commend the bill to the House.

Mr KEENAN (Stirling) (18:01): The coalition has always been a strong proponent of the rights of people who live in the territories and, in particular, the rights of people who live in the three territories affected by this bill: the Australian Capital Territory, the Northern Territory and Norfolk Island. We note that the Northern Territory has resumed a movement towards statehood.
That is a movement which, in the 1990s, although ultimately defeated, was strongly supported by the then coalition government led by John Howard.

Coalition members of this parliament—and in particular I would like to acknowledge Senator Gary Humphries, a former Chief Minister of the ACT and his predecessor, Senator Margaret Reid—have been ardent advocates for the rights and interests of the citizens of the ACT. The issue of statehood for the ACT does not generally arise in these discussions, though, because of the peculiar nature of the ACT's constitutional position.

Respecting the rights of citizens who live in Australia's territories, particularly the two territories that are directly represented here, is an important part of the federal philosophy of the Liberal and National parties. This bill purports to bring about a fundamental constitutional change to the status of those territories and the relationship of those territories to this parliament. Those of us who take the interest of territorians seriously have grave concerns that, because of the piecemeal haphazard and sloppy manner in which this bill has been presented to the parliament by the Greens, passage of the bill in this form will in fact retard and set back the recognition of the rights of territorians—in particular, having regard to the fact that the process in the Northern Territory is proceeding towards statehood in a methodical and careful way. Those who seek to advance the cause of Northern Territory statehood do not need a gratuitous intervention like this, so the opposition will not be supporting this bill.

We support the wisdom of the observation made by the Senate Legal and Constitutional Affairs Legislation Committee when it reviewed the legislation and cautioned against the piecemeal approach to the issues of self-government. My good friend the member for Solomon will shortly be moving a second reading amendment addressing this issue and elaborating further upon what the Senate committee report found.

There is another reason we in the coalition oppose this legislation. We rightly look with a very sceptical eye over anything that comes from Senator Bob Brown and the Greens. With this deeply sceptical eye we follow through the media the debate about same-sex marriage, which has divided the Australian Labor Party, and the concerns expressed—in particular by two Labor senators, former Senator Mike Forshaw and former Senator Steve Hutchins, reflected by way of their dissenting comments for the committee report—that this bill, although on face value a constitutional bill, is being sought for use as a vehicle for same-sex marriage to be introduced in the Australian Capital Territory.

On the purpose of the bill, we have been informed by comments from former Chief Minister of the Australian Capital Territory, Jon Stanhope, in the context of this debate. He made it perfectly clear that he would use this legislation, were it to be passed, as a vehicle to introduce same-sex marriage in the ACT. Mr Stanhope revealed the purpose of his thinking, which is the thinking that is behind this bill. It is not clear whether that purpose is continued by the current ACT Chief Minister, but at the time this bill was
being shaped in the mind of Senator Brown and the Greens we know what Mr Stanhope thought it would lead to and what he wanted it to lead to.

We know that on the issue of same-sex marriage the Labor Party is deeply divided between those who are proponents of this issue and those, particularly from the more conservative elements of the Labor Party, who are trenchantly opposed to it. We on this side of the House have no division on our side about what we believe and we continue to wholeheartedly support the Howard government's amendments to the Marriage Act. We do not support same-sex marriage. We are not having an argument on this side of the House about same-sex marriage at the moment.

Everyone who thinks that there are not some in the Labor Party who see this bill as a step towards the enactment of same-sex marriage within the ACT is either completely deluded or dishonest. There are many in the Australian Labor Party who do see this bill as a pathway to that outcome. We do not accept the good faith of Senator Brown's public assurances that this bill is purely about the rights of territorians, and the member for Solomon will have something to say later about the consistency of Senator Brown on the issue of territory rights. So, on the face of it, this is a constitutional bill and a bill of general application, but what we know is that it is part of a move to achieve an outcome in relation to the Marriage Act to which we in the coalition remain trenchantly opposed. For this reason the opposition will be opposing the bill and we will be supporting the second reading amendment that I foreshadowed earlier.

Ms BRODTMANN (Canberra) (18:07): It will, of course, be no surprise to the House that I rise to speak in favour of this legislation, because I do—despite what others might say—take the rights of territorians very seriously. I am a citizen of the Australian Capital Territory and I have been so for a very long time. It is the community that I proudly represent in this chamber and I am glad to be able to stand here this afternoon and speak on behalf of the citizens of Canberra, the people of Canberra. This Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011 represents another step towards ensuring that the citizens of the ACT and the Northern Territory are granted a right freely available to every other Australian citizen: the right for the legislation of their duly elected parliament to be free of veto by executive government.

As it stands, citizens of the ACT can vote for a legislature, have that legislature enact laws on their behalf and then see those laws overturned by a single member of cabinet—a minister who will almost certainly be from outside Canberra and may in fact have their home several hundred, or even several thousand, kilometres from the community on which they seek to impose their will. This is a situation that is untenable and a situation I believe runs counter to the democracy of this country. This bill will seek to end the veto.

In speaking today it should be noted that this bill represents the latest step to ensuring the democratic rights, equality and equity of the citizens of the ACT and the Northern Territory. It may interest the House to know that citizens from the ACT have not always had political representation. In fact, it was not until 1949 that they received a representative in this place. However, this member was not a full voting equal in the chamber. The member for the Australian Capital Territory held no general vote here, only a vote limited to those issues directly related to the ACT. In fact, it was not until 1966 that full voting rights were granted and,
further, it was only in 1989 that Canberrans were given the power to even decide the future for their own communities, when the first legislative assembly was elected. Before the establishment of the assembly in 1989, the future of the ACT community was decided directly by the federal government, again by people who did not live here.

I was fortunate enough to work in the assembly in the early days of self-government and so I witnessed firsthand the work of the assembly. I worked with the first ACT Chief Minister, Rosemary Follett, in those early days. They were pretty crazy early days because we had an assortment of parties in with us. It was a challenging time. In that first election we had the Sun-Ripened Warm Tomato Party and the No Self-Government Party included among an array of other interesting parties. Fortunately, many of them did not get up, but, from memory, some No Self-Government Party people who formed part of that first assembly. We had very colourful early days of the assembly and of democracy here in Canberra at the assembly level. But, after a challenging, difficult and colourful birth, for more than 20 years the legislative assembly has been making laws for the peace, order and good governance of the ACT and it has grown to be a mature, stable chamber that is accountable to its constituents.

As the former Chief Minister of the ACT, Jon Stanhope, said:
From ambivalent beginnings—
and they were ambivalent—
self-government is now firmly embedded in the consciousness of our community. The ACT, through its stable government and mature parliament, has embraced the social responsibilities with which it is charged. On average, Canberrans are among the healthiest, the best educated and most prosperous in Australia. We are just, free and relatively free of prejudice. We have grown in population terms and as an indispensable presence in our region. We have also grown as a community, a vibrant and engaged polity, and increasingly we are recognised as such by a nation whose capital and seat of government we are proud to uphold and sustain.

So it is truly stunning that, having granted Canberrans the right to elect their own representatives and having granted them the right to decide the fate of their own community, the Governor-General, on the advice of a single minister—probably from out of Canberra—still has the ability to overturn legislation. I cannot understand why, if we are to grant to Canberrans the right to elect their own governments and enact their own laws, such a power would still exist. It is simply not fitting with the notion of modern Australian democracy. Surely, given that this place has granted the territories the right to govern, it should allow them to do just that, and respect the legislation the assembly passes.

I want to again quote Jon Stanhope, because he said that not to do this is:
… a constraint on the legislative rights of the ACT that is both unnecessary and undemocratic.

He went on to say:
It constrains the mandate imparted on the elected representatives of the ACT to govern the Territory responsibly and accountably.

I was very interested to read the submission by George Williams to the Senate inquiry. George is quite a brilliant legal scholar and somewhat of an expert on territory self-government. He said in his submission:
Removing power is a blunt instrument that prevents the making of any laws, for good or ill, including those that are clearly in the best interests of the local community. It also sends a clear signal that the Commonwealth believes that the Territories are not up to the task of enacting appropriate laws on the subject. This is at odds with the fact that the ACT and the Northern Territory both have a larger population, and a
better functioning system of self government, than some of the colonies that became states upon Federation in 1901.

This is a view supported by the Australian Law Council, which said:
Territorians elect representatives to their local assemblies in the expectation that those representatives will make laws for the peace, order and good governance of their communities within the parameters of the law making powers afforded them by the self-government Acts. It is an affront to the democratic process in which Territorians participate if legislation lawfully passed by their elected representatives is rendered invalid by the operation of Commonwealth laws …

Further, the Castan Law Centre for Human Rights, at Monash University, said:
At present, legislation emanating from territorial parliaments may be struck down by an exercise of executive power by the Governor General (acting on the advice of the responsible Ministers). In other words, the will of the people of the ACT, as represented by its Parliament, can presently be struck down on the basis that it does not conform to the will of the federal government of the day.

We are talking here about a population that is highly educated and highly altruistic. Most of the people who come here to work in the Public Service want to make a difference. They want to take part in public service, they want to be public servants, they want to make a difference to this nation. They are highly motivated and highly committed to the enhancement and benefit of this nation, and yet they have diminished rights. In the ACT we have one set of rights; if you drive over the border into Queanbeyan you have got enhanced rights.

These are just three excerpts from the report of the Senate inquiry into this bill. Submission after submission to the inquiry spoke about how the current way of operating is outdated and against the interests of democracy. Given this, it is difficult to see why this bill has caused so much consternation among groups in the community. It is the principle of democracy here. I suspect that the concerns stem from some inaccurate and, I believe, at times mischievous reporting in the media about what this bill is actually about. We have also had some of those comments from those opposite today.

Let me outline what this bill is and what it is not. This is not a bill about euthanasia. It is not a bill about same-sex marriage. It is not a bill that grants the territories statehood. This bill continues the long history of granting citizens of the ACT political rights. This bill ends the ability of the federal executive government to arbitrarily, and without oversight or input, override the legislation of a self-governing territory. This bill is about equity, this bill is about equality, this bill is about democracy. It does not change the ability of the federal parliament to legislate to override legislation. While this in itself may not be ideal to some, I accept the fact that the ACT is a territory and as such is subject to the relevant section of the Constitution. However, this is a far superior process to that which currently exists. As Professor Cheryl Saunders said in her submission:

Because the Territories do not formally have statehood, they are subject to overriding legislation, on any subject, enacted by the Commonwealth Parliament. But this at least is an open process, requiring the executive to explain the reasons for the action that it wishes to take in the forum of the Parliament, which is designed to subject them to public scrutiny and debate.

Despite all the evidence in support of this change, despite the very real principle at stake here, there was some concern expressed in the Senate report. In particular, I note the view expressed by the coalition senators that this bill should be set aside until a full review of the territory self-government act is undertaken. However, the passage of
this bill and such a review are not mutually exclusive. The passage of this bill does not rule out any future review of the legislation—a review that has long been advocated by successive ACT governments. I also note the coalition senators’ scepticism of the motivation of Senator Brown and the Greens political party. I do not know what his motivations are for putting this legislation forward. But it is the right thing to do for the people of Canberra and I urge the opposition to support this legislation.

Removing the power of the executive to overturn the duly passed laws of a territory is more fitting with the notion of a modern Australian democracy. The legislatures of the ACT and the Northern Territory are mature bodies that have for decades proven their stability and their ability to govern well for their communities. The answer to overturning legislation should be through the will of the community demonstrated through the ballot box—not through executive fiat. The method proposed in this bill is a much better way of ensuring that good laws are made and, in the case of Australia, it has stood the test of 110 years. I urge the members of this chamber to focus on the contents of this bill, on the principle of this bill, and not on the inaccurate and extraneous discussion on the sidelines. I urge members to support the enfranchisement of members of my community, the Canberra community. I urge them to support the equality of the Canberra community, equity for the Canberra community and democracy for the Canberra community. I urge them to support this legislation.

Mrs GRIGGS (Solomon) (18:20): I move the amendment circulated in my name:

Omit all words after “That”, substitute: “the House declines to give the bill a second reading, and:

(1) notes the comments of the Legal and Constitutional Affairs Legislation Committee on the bill that ‘an approach which fails to look at the broad range of issues affecting the autonomy of the Australian Capital Territory and the Northern Territory may not be the most appropriate way of addressing outstanding self-determination matters in those territories, and may not ultimately represent the most considered solution. The committee believes that a systematic and holistic review of self-government arrangements in the Australian Capital Territory and the Northern Territory holds merit, and would help to address some of the specific issues raised during this inquiry.’;

(2) affirms that the process by which the Australian territories move towards greater legislative independence, consistent with the overall framework of the Australian Federation, should continue, but that a more systematic and comprehensive approach is to be preferred; and

(3) calls for a full review of the Australian Capital Territory (Self-Government) Act 1988 in lieu of piecemeal amendments to that Act.”

I will return to that in a moment. The question that I ask today when looking at the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011 is: what are the Australian Greens seeking to address with the progression of this bill?

We heard the member for Canberra also wanting to know what the Greens motivation was. Is it in fact for the betterment of Territorian self-government prospects, or for some other agenda to which we are not privy? The Greens appear to be the friends of the territories; they appear on the surface to care about the rights of the territories; and they appear to understand the need to develop further and champion regional autonomy, autonomy which the Northern Territory and the Australian Capital Territory desire. This disallowance bill is brought forward to prevent the ACT and the Northern Territory from being pushed around by ministers in a federal government. This bill gives expression presumably to the
principles of self-determination which were intrinsic in the self-government acts of 1970 and 1980.

Consideration of this bill in my view opens the door for constitutional concern, particularly as the bill gives greater legislative powers to territories beyond those currently enjoyed by the states. In fact, as stated by my colleague Senator Scullion in the other place, the bill as it stands would allow a territory parliament to pass any law, including a law in the area that is the responsibility of the Commonwealth as defined in section 51 of the Australian Constitution. This action would result in no immediate avenues to address this.

The motives of Senator Bob Brown and the Greens are definitely unclear. I agree with the commentary by my colleague in the other place Senator Humphries: something does not quite sit right with Senator Bob Brown being the champion of the second tier of government in this country. I remember growing up and watching Bob Brown in the 1980s campaigning against the Tasmanian government who were trying to build a dam. Dr Brown, as he was known then, argued that the conflict over the dam being built in Tasmania should be resolved by the federal government. He wanted the then federal government to interfere and intervene in the affairs of self-governing Tasmania. Where were Senator Bob Brown's champion views of the rights of the territory or state governments back then? Some may suggest that perhaps Senator Bob Brown feels differently about the territories than he felt about Tasmania back in the 1980s. Perhaps, now that he sits in the federal parliament, he has a different view; I am not convinced that that is the case either.

Senator Brown's record with respect to the territories has not really been consistent. I refer to the Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999, which Senator Bob Brown introduced to override the rights of self-governing Northern Territory to legislate in favour of mandatory sentencing for certain people who commit crimes. Senator Brown was unhappy with that act of self-governance by the Northern Territory and was quite comfortable in 1999 to introduce legislation to override the rights of the Northern Territory.

We can with some measure anticipate what the Greens are going to say: 'Our actions were justified in intervening in the affairs of the Northern Territory because there were fundamental human rights issues that impacted Australia's international obligations under treaties; therefore, it was okay to intervene in Northern Territory affairs on that occasion.' Unfortunately, intervention in the affairs of self-governing states or territories by Senator Brown does not end there.

In 2003 Senator Brown again promoted intervention in territory rights, on this occasion in the ACT, with a motion of disallowance. As stated by my colleague Senator Humphries, back in 2003 Senator Brown was quite happy to move a motion of disallowance to prevent a certain road project proceeding in the Australian Capital Territory—the widening of the Gungahlin Drive extension—despite the project being supported by the then ACT government. Senator Brown did not approve of the building of that road. He did not like the idea of that road being built and he did not want the ACT to make its own decision about the road. He knew better. He would bring the weight of the federal parliament down on the ACT and prevent the building of that road.

I refer again to the Northern Territory and the current drive by the Greens to quarantine commercial and recreational fisheries. If the
Greens were to have their way, they would create vast marine sanctuaries across the broad northern Australian coastline. These sanctuaries in effect would stop the activities of the local Northern Territory commercial fishing industry and recreational fishing, not to mention infuriating the one-third of Top Enders who proudly claim, 'We own a boat and we vote.'

Senator Brown has no credibility on such issues. Senator Brown has been no friend to territory autonomy. 'Opportunistic' might be a better descriptor. He is happy to champion the rights of Territorians to legislate and maintain their own governance when he agrees with what they propose. But then he is only too happy to trash territory rights when it is his belief that his interests are not being served.

There is a convention in federal parliament that the Commonwealth does not interfere with the legislation of a territory parliament where the legislation is consistent with the powers of a state parliament. A well-known exception was when the federal parliament overturned the Northern Territory euthanasia laws. Euthanasia is an area of legislation or issue that remains the responsibility of the states under the Constitution. Now under this bill the power of the federal parliament to undertake similar actions in the future is maintained. So, if this bill is really all about preventing federal intervention in the legislative powers of the territories, why was this issue not included in the bill?

The coalition is not going to play along with the cynical game that the Australian Greens are promoting with this sudden interest in the governance practices of the territories. There are serious issues about the form and the effectiveness of self-government. These are real issues which deserve systematic and careful examination by the federal parliament; not a piecemeal approach to legislative design based more upon political purposes than on the advance of a systematic examination of what is wrong and what needs to be fixed about the institution of self-government in the Northern Territory and the ACT. This bill does not address those fundamental issues. This bill is opportunistic and designed to portray the Greens in the most favourable electoral light; this is not an attempt to fix what I think we all know needs to be addressed.

I have moved a second reading amendment which acknowledges the findings of the Senate Legal and Constitutional Affairs Legislation Committee which state that there are issues which must be addressed and which this legislation does not address. The second reading amendment affirms the process by which the states and territories can move towards greater legislative independence consistent with the framework of the Australian Federation. In the case of the Northern Territory that may well include a move towards statehood. This is one topic most Territorians are passionate about. In the 1990s, the movement toward statehood was strong. It was supported by the coalition government of the day, led by Mr Howard. However, history shows this question was ultimately defeated. The move toward statehood has been gaining strength in the Northern Territory. We are not quite there and further work is required. But I believe within the next few years this question will be asked again and I am confident we will get statehood. The ACT may not be looking at statehood, particularly due to its position constitutionally, but certainly the ACT's institution of self-government is in need of an overhaul. It is now more than 22 years old.

The piecemeal approach taken by this bill is not a satisfactory solution to the problem.
have heard the support of the Labor Party for this bill. I note that there is a large measure of disparagement in their position. It was only three years ago that the Labor Party was perfectly content to support the decision of then Prime Minister Kevin Rudd to intervene, using the disallowance power to overrule the then proposed resurgence of civil union legislation in the ACT—legislation which had been proposed during the Howard government and which the ACT government came back to propose again when the Rudd government was elected. Of course the Rudd government rejected that suggestion.

I have lived in the Northern Territory all of my life. I engage with my electorate, I listen to their views and I represent them to the best of my ability. I can guarantee you that they do not want further meddling by federal politicians, particularly with the institution of self-government, not without a systematic and broad review of all the processes. Like my colleague Senator Scullion, I do not seek greater rights for the Northern Territory than the states have; I simply seek equal rights. I know Northern Territorians would welcome the opportunity to engage in a consultative process designed to comprehensively examine the status of self-government. That is by far the better approach, not the approach inherent in this piecemeal legislation that could potentially impact on any future statehood aspirations of the Northern Territory.

**The DEPUTY SPEAKER (Ms S Bird):** Is the amendment seconded?

**Mr Dutton:** I second the amendment.

**The DEPUTY SPEAKER:** The original question was that this bill be now read a second time. To this the honourable member for Solomon has moved as an amendment that all words after 'That' be omitted with a view to substituting other words. The question now is that the amendment be agreed to.

**Mr CREAN** (Hotham—Minister for Regional Australia, Regional Development and Local Government and Minister for the Arts) (18:32): I rise to support the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011. This bill, as amended by the government in the Senate, is good for Australian democracy. It is about strengthening the democratic rights of the Northern Territory and the ACT parliaments and thereby their people. The government do not support overriding the decisions of the territories with the stroke of a ministerial pen. We made that clear in 2006 and we reaffirm it today. By removing the power of the Commonwealth executive to disallow legislation enacted in the ACT and the Northern Territory at the stroke of a pen, this bill recognises the maturity of the legislatures in these self-governing territories. The ACT and Northern Territory were created by acts of this parliament. Their legislatures are rightly subject to the deliberations of this parliament not unilateral actions of the executive.

There has been a lot of debate about the purpose of this bill. On 2 March, the bill was referred to the Senate Legal and Constitutional Affairs Legislation Committee for consideration. That committee reported back on 4 May. The inquiry strongly supported the removal of the Commonwealth’s powers to disallow ACT and Northern Territory legislation, and leaving the parliamentary process as the means of exercising Commonwealth influence over ACT and Northern Territory legislation. The inquiry concluded:

… a parliamentary process is more in keeping with a sound democratic practice.
That conclusion reflects the advice also of expert bodies such as the Law Council of Australia, who pointed out in their submission that while the current bill does not completely remove the power of the Commonwealth to override territory laws, it enhances the democratic quality of this process by requiring that parliament consider and take responsibility for the decision to override rather than the executive.

The inquiry did not recommend extending the operation of the bill to Norfolk Island. That decision was in recognition of the differences between Norfolk Island and the other self-governing territories. Norfolk Island's population of 2,100 is much smaller than the ACT and the Northern Territory. Also, as members would be aware, the passage of the Territories Law Reform Act 2010 provides the Commonwealth with increased oversight and scrutiny of Norfolk Island legislation to ensure that it is consistent with the national interest. In view of these reforms, it would be inconsistent for the bill to apply to Norfolk Island.

This bill was then reviewed by the House Standing Committee on Social Policy and Legal Affairs. They found that the Senate inquiry was extensive and the bill was well scrutinised. They recommended that this House pass the bill. The bill reflects the inquiry's conclusions and those of many of the substantive submissions received by the committee. These submissions expressed a clear preference for a parliamentary rather than an executive override of territory legislation. On 18 August 2011, the Senate approved the following government amendments to the bill, consistent with the inquiry's recommendations: first, removal of references in clause 4 to providing relevant territory legislatures with exclusive legislative authority and responsibility for making laws; second, changing clause 4 to more accurately reflect the current power of the Governor-General to recommend amendments to territory laws; and, third, excluding Norfolk Island from the operation of the bill. While the bill supports greater legislative independence for the ACT and Northern Territory, it will not stop the Australian government acting in the national interest in an open and transparent way should there be a conflict between Commonwealth and territory legislation. The Commonwealth parliament's plenary power under section 122 of the Constitution to make laws for the government of any territory will remain unchanged. This power allows the Commonwealth legislature to override legislation passed by the legislative assemblies and can be exercised through a parliamentary process in accordance with sound democratic practice.

The government's position, given that this issue has been raised as well, on same-sex marriage is also unchanged. Under the Marriage Act, a Commonwealth act, marriage means the union of a man and a woman to the exclusion of all others voluntarily entered into for life. The act also sets out certain requirements in relation to marriage ceremonies. As a Commonwealth law, the Marriage Act will override any inconsistent state or territory law to the extent of that inconsistency. This means that no state or territory can enact its own law to define marriage or any law that would otherwise be inconsistent with the Commonwealth Marriage Act.

Nor is this bill about euthanasia. Members of this House will be aware that the territories are prevented from enacting euthanasia laws by the Euthanasia Laws Act 1997. Members will also be aware there is another privately sponsored bill that has been introduced in the Senate regarding euthanasia, and we will have an opportunity to debate that another time.
Through its support for this bill, the government is demonstrating its commitment to a key finding of the inquiry:

... removal of the anachronistic features in sections 35 and 9, respectively, of the ACT and NT self-government Acts would be a significant step forward in their constitutional history ...

As the inquiry noted, support of the bill by this parliament will provide a powerful demonstration of the Commonwealth's genuine respect for the delegation of law-making powers that it made when it granted self-government to the Northern Territory and to the ACT in 1978 and 1988 respectively.

The Northern Territory and ACT were granted self-government well over 20 years ago, and over that period the two assemblies have displayed considerable maturity and capacity to run their affairs. Indeed as Professor George Williams has pointed out:

... the ACT and the Northern Territory both have a larger population, and a better functioning system of self government, than some of the colonies that became states upon Federation in 1901.

In the case of the ACT, few could have imagined its evolution since it was granted self-government in 1988 some 10 years after a 63 per cent 'no' vote against self-government. The ACT was transformed into a fully functional, self-governing territory with a vibrant and engaged community and a legislative assembly that is recognised as a regional leader and an important contributor to federal forums. In the Northern Territory, the success of self-government is best evidenced by the current process towards statehood.

To support genuine self-government within these territories, the Commonwealth parliament must enable the ACT and Northern Territory legislative assemblies to be independent, responsible and accountable to their citizens. This means not being subject to the whim of a minister, and this bill will achieve that objective.

The opposition has argued that the bill should not proceed. The opposition, while expressing its in-principle support for greater legislative independence for Australia's self-governing territories, has argued that the bill should not proceed and a more systematic and comprehensive approach would be preferred.

I want to be clear about the government's position. The issues raised in the Senate amendments moved by the opposition were canvassed in the inquiry to the bill. The inquiry concluded that the benefits of the bill in enhancing democracy in the ACT and Northern Territory outweigh any potential disadvantages that may flow from its application. The passage of the bill would provide just recognition of the maturity and capacity that the ACT and Northern Territory legislative assemblies have demonstrated since they attained self-government.

The Australian government has already indicated to the ACT government that it would welcome a review of the ACT (Self-Government) Act, but such a review should be driven by the ACT government and its citizens. The Australian government would welcome considering the outcomes of such a review. The timing of a comprehensive review should not delay the implementation of the practical, democratic benefits provided by this bill. I note also that both the ACT Chief Minister and the Northern Territory Chief Minister are on the record supporting the bill.

Experts such as Associate Professor Tom Faunce from the Australian National University in their submissions to the Senate inquiry advocated passage of the bill. In his submission he argued:
Repealing section 35 of the ACT (Self-Government) Act is a measure that can and should be taken now … The geographical accident of being resident in a Territory should not be a ground for discrimination in terms of basic rights under the Australian Constitution.

Professor Cheryl Saunders from Melbourne Law School supported the bill—and I quote her saying:

… as an overdue change to correct what has become an anachronism in the Australian system of government.

I am aware that the opposition has moved two lots of amendments—some were circulated earlier—to the effect that the ACT and Northern Territory legislative assemblies may not enact a law that is inconsistent with the Marriage Act. I have already addressed that point but these amendments replicate amendments in the Senate. They were moved then by Senator Brandis. We did not support them then; we are not supporting them now. The opposition amendments in the Senate and in here are absolutely unnecessary. The legal advice from the Attorney-General is clear on the issue. The government's clear legal advice is that the amendments are unnecessary. It is already the case that any territory law inconsistent with the Commonwealth law on marriage, just as with any other subject, would be invalid. The Commonwealth parliament has the broadest possible power under section 122 of the Constitution to make laws for the government of any territory. In other words, this parliament could use that power to override any territory law, even a territory law that is not currently inconsistent. It could do that by making a new law, but that is a decision the parliament would have to make; it should not be done through the whim of a ministerial pen.

The territories cannot make laws that are inconsistent with the Commonwealth Marriage Act or any other Commonwealth law, and the position will not change if the bill is passed. The repeal of section 35 of the Australian Capital Territory (Self-Government) Act and section 9 of the Northern Territory (Self-Government) Act will not affect the Commonwealth parliament's power to enact legislation which is inconsistent with ACT or Northern Territory legislation.

I note also that the member for Solomon has moved another amendment. It had not been circulated before. This is interesting because at the last minute she tables an amendment while at the same time arguing that there should be systematic examination of the bill. If there is to be systematic examination, one would have thought these amendments could have been circulated somewhat earlier. One can only conclude that this is another attempt to stall. You say as an opposition that you are not playing around, but all of your actions and all of the amendments say that you are. The bill as it stands does not change constitutional arrangements. The Senate committee recommended this bill pass the parliament. I would be interested to know, given the views of the Territorians that the member for Solomon claims to talk about, how she is going to explain to her constituents in the Territory that she has ignored the wishes of their legislature and does not recognise properly the legislative assembly's ability to be overridden only by an act of the parliament. (Time expired)

Dr LEIGH (Fraser) (18:47): I rise to speak in favour of the Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011. When Canberra turns on its charm and offers that perfect day when the sun shines, the water glistens and the temperature is not too cold or too hot, it is easy to see how this region charmed the federal parliamentarians who visited in 1906 and
1907 on their tour of potential sites for the new nation's capital. Federal politician King O'Malley once said of the decision about where to site the nation's capital:
I want us to have a climate where men can hope. We cannot have hope in hot countries.
The saying goes that success comes from a lot of hard work and a bit of luck. Reflecting on the cities which could have been the seat of government, Canberra had plenty of luck. At the outset, the city was not the preferred location of either the media or the politicians. But for a perfect Canberra day on 13 August 1906, and again on 23 August 1907, the parochial interests of a Premier and a change of heart and vote by a Victorian senator, our nation's capital could have been somewhere entirely different.

On the banks of the Snowy River, 50 kilometres south-west of Cooma, lies the town of Dalgety. With one pub and 75 residents, you would hardly know the town was named in the 1904 Seat of Government Act as the location of the new federal parliament. But state and local interests collided with the desires of national leaders. Dalgety was located in the electorate of the then Minister for Home Affairs, Sir William Lyne. Keeping with the traditions of Macquarie Street, New South Wales Premier Joseph Carruthers refused to cede the town to the federal government, believing Dalgety to be too close to Victoria. Carruthers valiantly declared Tumut, Yass or Lyndhurst as the only sites for the nation's capital. By coincidence, all three towns happen to be in the Premier's electorate.

Dalgety remained the favourite of the Victorian and Western Australian senators, who made numerous attempts to have it reinstated as the site for the capital, but Carruthers's determination to act in the interests of New South Wales was such that he threatened to take the federal government to the new High Court for trespass should any survey pegs be driven into the ground. Eventually, the Dalgety backers gave up and, by 1907, there was a growing consensus that the site of the capital should be somewhere in the triangle formed between the towns of Goulburn, Yass and Queanbeyan.

With the trout-fishing contingent now having shifted their support to Tumut, the decision came down to Canberra versus Tumut. In December 1907, the House of Representatives voted 39 to 33 in favour of Canberra, but in the Senate Canberra and Tumut were tied 18 votes apiece. Canberra owes its status to a Melburnian who believed the future lay in agriculture and mining. Anti-socialist Senator James McColl changed his vote and backed Canberra. Then, like now, the numbers in Australian politics were finely balanced, but Andrew Fisher showed us that a close vote does not stop you getting things done. A decision was finally made to select Canberra as the nation's capital.

Besides its unique history, Canberra is so much more than our nation's capital. It is home to over 350,000 Australians. It is a place of cultural icons and historic events. It is a place where Canberrans exercise their right to elect their own representatives to govern and legislate in their interests. But Canberrans do not enjoy the legislative freedoms of their state counterparts. In March of this year, I joined my parliamentary colleague Gai Brodtmann, the member for Canberra, in taking the unusual step of making a submission to the Senate's Legal and Constitutional Affairs Legislation Committee inquiry into the Australian Capital Territory (Self-Government) Amendment (Disallowance and Amendment Power of the Commonwealth) Bill 2010. We argued that section 35 of the Australian Capital Territory (Self-Government) Act affords the Governor-General the power to
disallow an enactment of the ACT Legislative Assembly by legislative instrument within six months after it is made. We argued that negatively impacts on the independence of the ACT Legislative Assembly and that the ability of the Commonwealth executive with the stroke of a pen to overturn enactments of the Legislative Assembly is a liability state parliaments are not subject to. The repeal of section 35 of the ACT (Self-Government) Act will remove the power of the executive to intervene without the agreement of this parliament.

Territorians are not asking for special treatment; they are just asking for a fair go. Of course, this bill does not affect the constitutional right of this parliament to make laws for the territories; it only seeks to ensure that any striking down is done by parliament, not by a minister alone. I agree with the majority report of the Senate Legal and Constitutional Affairs Legislation Committee: it is a matter of principle; the power of the federal executive to override legislation in the ACT is inappropriate and unwarranted. As the minister has noted, many experts and the Northern Territory and the ACT governments support the bill. It is strange that the member for Solomon and Senator Gary Humphries, a former ACT Chief Minister, do not.

As things currently stand, the Governor-General, acting on the advice of the Commonwealth, can disallow or recommend amendment to territory legislation to provide the executive government with the ability to protect its interests in the territories. This bill seeks to remove the Governor-General's power to disallow or recommend amendments to laws made by territories under their self-government acts. The effect of this would be to remove the Commonwealth executive's ability to override legislation passed by the territories' legislative assemblies.

Equally importantly, let us look at what this bill does not do. Under this bill the Commonwealth still retains the ability to override legislation passed by the legislative assemblies of self-governed territories through the plenary power of section 122 of the Constitution. That section commences: ‘The parliament may make laws for the government of any territory’. Repealing section 35 and section 9 of the respective ACT and Northern Territory self-government acts does not affect the constitutional power of the Commonwealth. What it does do is raise the bar on any overriding of a territory law. It must be done by the parliament, with every parliamentarian having the opportunity to speak in that debate.

The ACT’s path to self-government has a history of resistance. John Overall, the head of the National Capital Development Commission from 1957 to 1972, said: Canberra residents may have been demanding a greater say in their destiny, but they rejected attempts by the Federal Government to have them take control of their own affairs through self-government. They appeared reluctant to accept the responsibility of governing themselves, or perhaps, the increased costs which they feared would inevitably follow the handover of power from the Federal Government to a local body.

Despite such views, manyCanberrans still wanted self-government and under the Whitlam government a legislative assembly was formed in 1974. However, the Commonwealth tended to override or ignore its wishes. In 1975 a supporter of self-government for the ACT, Tony Staley, accepted the post of Minister for the Capital Territory. However, the model he proposed found opposition, in part because it failed to address territory funding arrangements.
With the Northern Territory achieving self-government in 1978, it was suggested that self-government must also be appropriate for the ACT. After all, the ACT had a larger population and was growing faster. The next person to run the ministry, Robert Ellicott, held a referendum on the issue of self-government in 1978. The referendum provided the residents of the territory with three options: (1) that self-government be granted to the territory by delegating functions to a locally elected legislative body; (2) that a locally elected legislative body be established in the territory with local government type legislative and executive functions; or (3) that the present arrangements for governing the territory should continue for the time being. The referendum failed but it did not end the debate.

There were pressures that still continued to push the ACT to self-government: the national consistency of government, the re-enfranchisement of the community, and financial pressures. It was argued that self-government would allow the ACT to be placed on the same financial footing as other states and as the Northern Territory. Just prior to self-government, Bill Harris, the head of the ACT administration, said this was the fundamental reason for the eventual realisation of self-government in the Territory.

In 1988, the minister for the ACT, Gary Punch, received a report recommending the abolition of the National Capital Development Commission and the formation of a locally elected government. He recommended the Hawke government accept the report's findings. Clyde Holding, Minister for Immigration, Local Government and Ethnic Affairs, introduced legislation to grant self-government to the territory in October 1988. On 6 December 1988, the ACT was granted full self-government with the passage of the ACT (Self-Government) Act. The first ACT election was held three months later, on 4 March 1989. Despite the initial resistance to self-government, despite the bumpy path travelled to get there, after 23 years ACT self-government is well established and has proven successful. As the minister has pointed out, the ACT parliament has shown itself to be a mature debating chamber, the equal of any state or territory legislature around the country. What was the baby of 1988 is now an adult, holding its place confidently in the world. It is a government that makes its own decisions responsibly and is held accountable for them.

I would like to pay tribute to Jon Stanhope, former Chief Minister of the ACT, and Katy Gallagher, who has stepped confidently into Jon's shoes, continuing practices such as Chief Minister Talkback, a forum that allows Canberrans to speak directly to their Chief Minister.

The majority report of the committee was correct in supporting the objectives of the bill: to remove the power of the executive to override legislation with the stroke of a ministerial pen and replace it with a parliamentary process, more in keeping with the democratic practices of today.

Back in 1988, when I was a 16-year-old work experience kid, I worked in the office of John Langmore, the then federal member for Fraser. I remember John Langmore telling me the story of serving as the member for Fraser in the early 1980s, in the days before self-government. One day a constituent phoned him at home at 5 am. The constituent said to him, 'Mate, the garbos have woken me up with the banging of my bins outside, and I figure that if I'm awake the member for Fraser should be awake as well.' The ACT has come a long way since then. As the committee concluded, the benefits of the disallowance bill—enhancing
democracy in the ACT and in the Northern Territory—outweigh any disadvantages. This is a step in the right direction towards giving the people of the ACT—and Fraser—the same legislative freedoms and rights as their state counterparts. Territorians deserve accountable, equitable and transparent government. They deserve to know that their laws will not be struck down with the stroke of a ministerial pen. I commend the bill to the House.

Mr BANDT (Melbourne) (19:00): I want to make some brief comments in conclusion. I thank the members who have contributed to the debate, particularly those representing electorates in the Australian Capital Territory, who have accurately understood what this bill is about and what it is not about. This bill will not remove the power of the parliament to have the constitutional oversight, provided for in the Constitution, of what happens in the territories. But what it will do, as the member for Fraser said, is make it impossible for the government, through its executive, to simply override with the stroke of a pen a decision and a law that has been made after due deliberation by mature assemblies in this country.

There have been some rather odd contributions to the debate, including a suggestion that there has been no consultation on this and it is not what people in the territories want. Well, perhaps the member who made that contribution overlooked the fact that the chief ministers of both the ACT and the Northern Territory have thrown their support behind this bill.

I was disappointed to hear the contribution from the member for Solomon. The member for Solomon has been a fierce advocate for the rights of the people of the Northern Territory—so much so that, when it came to the debate about the siting of Australia's first nuclear waste dump, she came and sat with us when we sought to oppose the move by the federal minister in this place to impose a nuclear waste dump on the Northern Territory against the wishes of Territorians. At the time, the member for Solomon made the point that the citizens of the Northern Territory should not have something like that imposed on them if they did not want it simply because they are a territory. And we agreed. And if one is to be consistent with that position then one must support this bill. The amendment moved will not have our support because it would have the effect of defeating the bill and pushing back the very cause that the member for Solomon is very powerfully advocating for.

But perhaps the most egregious contribution to the debate has been the suggestion that this is some sort of recent invention by the Greens. If you look at the parliamentary record, you will see that for as long as the Greens, and in particular, Senator Bob Brown, have been in this place, this has been a cause that we have pursued passionately. It came, firstly, in the context of the bill from the member for Menzies, Kevin Andrews. At that stage, as anyone would know—and you can check the record if you want confirmation of it—there was a vigorous defence of the right of the territories to legislate in accordance with what they consider to be in the interests of peace, order and good governance in their territories. That is the position we Greens have held steadfastly since we have been here, and we are now proudly in a position where we can bring legislation into both chambers and, the next couple of debate and votes willing, have it passed through the parliament this year. We are not going to support the detailed amendments that are put forward because they cut across the basic principle of self-governance. What this bill will do is move territorians a step closer to being on an equal footing with their
compatriots around the country. It will retain the right of this parliament to have oversight of the territories and it will move them a step closer to self-governance. For that reason, it ought to be supported by all members in this place.

The DEPUTY SPEAKER (Ms S Bird): The question is that the amendment be agreed to. There being more than one voice calling for a division, in accordance with standing order 133(b) the division is deferred until after 8 pm.

Debate adjourned.

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011
Second Reading
Debate resumed on the motion:
That this bill be now read a second time.

Mr DUTTON (Dickson) (19:05): The National Health Reform Amendment (Independent Pricing Authority) Bill 2011 proposes to establish the Independent Hospital Pricing Authority. It will amend the National Health Reform Act 2011 to provide for inclusion of provisions relating to the Independent Hospital Pricing Authority. It will add a new chapter (4) establishing the Pricing Authority and providing for its functions, powers, obligations, liabilities, privileges, membership, appointment, formation of committees associated with its functions, staffing and procedures. Another additional chapter (5) includes provisions relating to privacy and confidentiality.

The Independent Hospital Pricing Authority, we are told, is to promote improved efficiency in, and access to, public hospital services by providing independent advice to the Commonwealth, state and territory governments about the efficient costs of services and to develop and implement systems to support activity based funding for those services. It is to formulate the national efficient prices for healthcare services provided in public hospitals funded on an activity basis and make decisions about block funding for hospitals that are too small, remote or otherwise unable to be funded on an activity based mechanism. The authority, we are also told, will deal with cost shifting issues between the various jurisdictions and cross border disputes. The bill provides for the formation of two committees to assist the pricing authority: firstly a clinical advisory committee to advise on the formulation of case-mix classifications for healthcare and other services provided by public hospitals and, secondly, a jurisdictional advisory committee which will maintain a schedule of public hospitals and the services each provides, advise on funding models for hospitals and determine adjustments to the national efficient price to reflect variations in the costs of delivery of healthcare services.

It has taken a long time to get here. I quote from an article posted by the Parliamentary Library titled: 'National Health Reform Agreement: what might it achieve?' It reads:

After nearly four years in government, an 18 month independent inquiry into the health system, a Prime Ministerial listening tour of the nation's hospitals, several fraught Council of Australian Governments (COAG) meetings and one unsuccessful attempt, the federal Labor Government has finally secured a health reform deal with all states and territories.

The National Health Reform Agreement announced this week is essentially a detailed implementation plan for the Heads of Agreement on National Health Reform, which was negotiated at COAG in February 2011. Most commentators agree that the scope of reform has been scaled back over time. The reforms outlined in this Agreement and the earlier Heads of Agreement are less extensive than those outlined in the April 2010 National Health and Hospitals Network …
Agreement … The contentious proposal to hold back GST from the states in order to fund reforms has disappeared … Other discarded reforms include plans for a Commonwealth ‘take over’ of primary health care and to become the majority funder of public hospitals.

So that is this government’s record as assessed by an independent source.

What we have before us today is a bill to establish the third new bureaucracy created under the government’s National Health Reform Agreement. This latest body comes at a cost of almost $100 million over the forward estimates. Indeed, the acting CEO for the interim pricing authority, Dr Tony Sherbon, told the Senate inquiry that the pricing authority when fully functional would have a full-time staff of 42 and would cost around $31 million dollars this year. Now this bill follows legislation to establish the National Health Performance Authority. The performance authority is to monitor and publish reports on the performance of local hospital networks, public hospitals, private hospitals, primary healthcare organisations, and other healthcare organisations providing health services.

It will also formulate performance indicators to be used as measures of health service providers’ performance; collect, analyse and interpret performance data; promote, support, encourage, conduct and evaluate research relating to the performance of health service providers; and advise the Minister for Health and Ageing on the performance of health services providers.

And before the performance authority came the establishment of another related body—the Australian Commission on Safety and Quality in Health Care as an independent authority. Still to come is a national health funding organisation with a national health fund administrator and no doubt administration to distribute federal and state funding to hospital networks. I am sure the House will recall this was originally going to be another independent authority. It was held up at the time by the health minister and former Prime Minister Rudd as the body that would ensure transparency about where every dollar came from and went to in relation to public hospitals. Members will remember it disappeared almost immediately after it was announced—as the ABC’s AM program reported on 17 June 2010:

The Rudd Government has made a pre-emptive strike on one of its health reforms, even before the measure saw the light of day.

The Federal Government has been accused of axing a health funding watchdog, which was supposed to oversee payments to the states under its new health and hospital network.

A spokeswoman for the Minister says the decision to scrap the funding authority removes a layer of bureaucracy, and she says the Commonwealth’s investments in health will be transparently reported in the Budget papers.

Questioned about this matter later, Minister Roxon told journalists:

… we've made it … clear we don't want to increase the size of the bureaucracy—it's not appropriate for us to establish an authority where there is not a need to do so.

In Labor's health reform mark 4—the deal of August this year—the funding body is back. All this is simply instructive as to how Labor has lurched from one so-called reform deal to the next: not really knowing where it was going and doing whatever deals it could to be seen to be doing something.

Now all these additions to bureaucracy come at significant costs of several hundreds of millions of dollars—dollars that the coalition considers could have been better spent on frontline services. The coalition supports a move to activity based funding, but we do not accept that all of these new authorities are needed to achieve change in hospitals and the healthcare system when
there is a health department with 5,000 staff already in existence within which the commission on safety and quality has functioned for years. Perhaps this minister and Prime Minister and government as a whole should have taken more heed of their former finance minister, Lindsay Tanner, with regard to these matters when on 14 October 2009 he had this to say about creating new authorities:

The indiscriminate creation of new bodies or failure to adapt old bodies as their circumstances change increases the risk of having inappropriate governance structures. This in turn jeopardises policy outcomes and poses financial risks to the taxpayer.

Mr Tanner also said:

Incorporating a new function within a department is almost always the preferred option because of the difficulties a small body faces in meeting its own needs.

Plenty of food for thought there for a government that splurges taxpayer funds in every direction and often, sadly, for very poor outcomes.

Now the organ this bill is creating—that is, the pricing authority—would definitely fall under Lindsay Tanner's criteria and it faces a monumental task. It is worth noting that only the largest hospitals, a minority of the nation's hospitals, will actually operate under an activity based funding model. We have not heard any firm figures from the minister on this, we only have the numbers that Mr Rudd revealed in 2010 as he bragged about how activity based funding would transform the health system only to find the states warning it would lead to closures of smaller and regional hospitals. The then Prime Minister was forced to hurriedly backtrack and assure that block funding would continue for most hospitals. At that time he told the ABC's 7.30 Report:

Of the 764 [hospitals], you got about 165 who are the larger hospitals, that is those who are delivering large-scale accident emergency services and surgical services, etc. They'll form the core element of the activity-based funding arrangement. The others are very small hospitals, usually in rural areas and these will be funded by what we call block funding arrangements, enabling those smaller hospitals, … providing lesser levels of service to continue in the future …

It is also worth noting that most of these bodies that Labor insists are necessary for reform in Australian's health system were supposed to be operational from July this year. But as the government's attempts to negotiate with the states staggered from April last year to February this year then to August before the Commonwealth could secure an agreement, we are left with a somewhat uncertain timeframe for the formation of these bodies and the formulation of their requirements on hospitals and the health system more widely. Given the missed time lines already, it is perhaps foolhardy for the minister and the government to continue to set new time lines, but that is what they have done. In her second reading speech on this bill to establish a pricing authority Minister Roxon told the House:

….the reform agreement will deliver activity based funding across the country from 1 July 2012. Local Hospital Networks will be paid for the services that they actually provide.

Now, there are more than a few concerns about that. The pricing authority is yet to be formed. Local hospital networks do not exist in parts of the country and they, too, will only be in the process of formation around that deadline. It is a formula for trouble—something this government is all too accustomed to. Again the minister is ignoring warnings that it could go off the rails. An article in the Australian of 21 February this year says:

Health experts are warning the federal government to push back its self-imposed 16-
month timeframe for the introduction of activity-based funding for public hospitals, saying much more planning is needed.

Well, we are no longer 16 months away—we are just eight months away from the deadline—and the government is no further advanced than it was in February this year.

One of the experts the Australian quoted was John Dwyer, the founding president of the Australian Health Care Reform Alliance and former head of medicine at Sydney's Prince of Wales Hospital. He told the newspaper that 'July 2012 was not an achievable deadline' for introduction of activity based funding.

The Australian Healthcare and Hospitals Association executive director Prue Power was quoted as 'cautioning the government to go slowly in this process towards national pricing…it needs to be done very carefully'. She went on further:

We have to be able to measure quality outcomes before we can really apply a national approach to funding, and we can't do that until we have better measurements.

According to the article she said:

That's going to take longer than the (July 2012) timeframe … it will take at least another year, maybe more.

Now, I would have thought those warnings would be cause for the minister to at least pause and consider the way ahead, because the government has been here before. The minister should recall that the Healthcare and Hospitals Association warned as early as March this year that the government was failing to recognise the formal role of state and territory governments as majority funders and system managers of public hospitals and health services when it was formulating legislation to establish the National Performance Authority, an entity related to the pricing authority. The minister pushed on then, even though the warnings were sounded again during a Senate inquiry into the Performance Authority Bill. The House, I am sure, will recall the outcome. The minister had to put that legislation on hold, go away and redraft a substantial number of significant amendments acknowledging the very fact that the states owned and operated the nation's public hospitals and Canberra could not impose its will upon them.

The contents of this bill do not match the rhetoric of the health minister and the former Prime Minister from the time the Independent Hospital Pricing Authority was first mooted. While this new pricing authority is to set a national efficient price for each activity conducted in hospitals, that price will only guide the Commonwealth's contribution to growth funding for public hospitals. As Catholic Health Australia points out in its submission to the Senate inquiry:

The bill needs to be understood for what it does not do; it does not set a nationally agreed public hospital payment.

Catholic Health went on:

It is therefore understood that where as the Authority will determine a national efficient price, it will remain a responsibility of State and Territory Governments to determine the actual amounts paid for hospital services … there may not be certainty on how much the States or Territories will actually contribute.

So for the states, the national efficient price set by the pricing authority will be advice—that is, it will be nonbinding. Payments the states make to their local hospital networks could be above or below that price at their discretion, which may all mean that the blame game, which Australians were told would be ended by Labor's changes to the health system, may remain very much alive. As the Bills Digest states:
It is likely that debates about the adequacy of public hospital funding by each level of government will continue for some time.

The COAG communique of April last year also made another commitment about the pricing authority—that it was to end the blame game. The communique stated:

As a further measure to address cost-shifting, the Independent Hospital Pricing Authority will be empowered to make binding determinations about cost-shifting and cross border issues in the health and hospital system.

Unfortunately, it is yet another commitment that appears to have disappeared when this bill was finally brought before the House.

I refer back to the Bills Digest assessment on this point. The digest says the bill empowers the IHPA to investigate cost-shifting and cross-border disputes and define cost-shifting and cross-border disputes, and sets out processes jurisdictions must follow to initiate an investigation by the IHPA. But it then goes on:

It—

the bill—
is silent, however on what actions jurisdictions must take if they are found to be complicit in either cost-shifting or in a cross-border dispute. In the event of a cross-border dispute the IHPA may provide advice to the Commonwealth about funding adjustments to relevant jurisdictions.

It went on to say:

The Commonwealth has limited powers with regard to the operation and management of public hospitals and is unable to compel a jurisdiction to make payments to other jurisdictions or alter their policy settings.

The digest points out that the pricing authority can publish information about jurisdictions found to be cost-shifting, but its advice to health ministers about the matter is not publicly available. It concludes on the point:

This would appear to undermine transparency and the extent to which these disputes can be resolved.

Now, throughout this odyssey of so-called health reform under the Rudd and Gillard governments, all the measures have been trumpeted to the public as being actions to ensure transparency and accountability in the healthcare sector. Yet key stakeholders constantly point to a perceived lack of both transparency and accountability of the pricing authority.

In the minister's second reading speech the following statements were made:

The authority will have strong independent powers: it will be for public hospitals what the independent Reserve Bank is for monetary policy. This is unprecedented for the public hospital system.

The result will be a thorough and rigorous determination without fear or favour to governments. The government is confident that the authority will provide the health system with the stability and robustness that the Reserve Bank has provided for monetary policy for decades.

The Australian Private Hospitals Association begs to disagree, noting in its view the disclosure regime for the authority does not aspire to the same standards as those required of the Board of the Reserve Bank.

Its submission to the Senate stated:

APHA believes these provisions fall a long way short of the practise of the Board of the Reserve Bank of releasing its decisions and its monthly Minutes publicly with no prior comment by the Executive.

Dare I say, it is yet another case of over-the-top, overblown rhetoric by the minister?

I turn to some of the other concerns expressed in submissions to Senate committee inquiry and raised during the committee's public hearings. The Healthcare and Hospitals Association, the peak body for the public hospitals that will be affected by the pricing authority, warned in its
submission that the government must take care because the authority's decisions would have an immediate and wide impact on hospital services across country and that, rather than drive reform, there was a serious risk the introduction of activity based funding in this form would simply reinforce existing models of care. It believes the authority should not be based in Canberra and it wants due consideration given to the burden of compliance on hospitals. Its submission states:

The development of new classification systems invariably translates into additional requirements for the information systems capturing data. The cost of upgrades to systems and staff re-training to capture data consistent with any new classification systems … could be a significant risk for hospitals and will need to be taken into consideration by the IHPA and others.

The minister has reiterated to the House the National Health and Hospitals Reform Commission estimate that the introduction of activity based funding could result in efficiencies in hospitals that would make savings of $500 million to $1.3 billion. The Healthcare and Hospitals Association warns that those expectations may be 'unrealistic'. The Australian Medical Association picked up on similar theme, also calling for every effort to be made by the authority and government to 'minimise data collection duplication and therefore unnecessary administrative burden on healthcare providers'. The AMA also submitted that there remained a problem regarding the collaboration between the pricing authority and the other new authorities this government has instituted. This is a matter the coalition has been concerned about since the first bill to create the first authority, the safety and quality commission, was introduced. We have sought that the government provide all the legislation for each of the authorities together so that the full extent of their impact on the health system and their possible duplication of roles could be understood and canvassed. The government ignored this reasonable proposition and continued in its piecemeal fashion.

As I commented earlier, the result of this approach was a considerable number of significant amendments to a previous bill. The situation remains unresolved. The Australian Institute for Primary Care and Ageing, which has made this point before, summed it up in its latest submission, stating:

There is very little integration between the statutory bodies … there is a risk of duplication or even triplication— which could— create a significant burden for health services … their isolation from each other is counter productive….

They are comments with which the coalition certainly agrees.

I turn now to what appears to have been a critical weakness in the way the government has proceeded here, and it is the lack of involvement of the private sector. The Australian Private Hospitals Association, Medibank and Catholic Health Australia all pointed out the importance and expertise of the private sector in provision of both public and private hospitals services in Australia. That expertise has been untapped. As the APHA pointed out:

Private hospitals have for many years been contracting with private health insurance funds, as well as with the Department of Veterans' Affairs on the basis of funding for activity carried out.

The regime is rigorous and well understood by the private hospital sector.

This depth of expertise in the private hospital sector has been a continuing cause for query by APHA that the private hospital sector has
not to date been consulted by the government about its public hospital funding reform agenda. APHA has frequently offered to make its members' expertise available. They said:

We believe we have a real contribution to make, given that private hospitals perform 65 per cent of all elective surgery in Australia.

We were disappointed, but not surprised, to see no reference in the Bill to the need to draw on the knowledge held by the private hospital sector.

Catholic Health pointed out that it operated 21 public hospitals in Australia, some of them large, iconic, well-known public hospitals, providing 10 per cent, or 2,700, of the nation's public hospital beds. While considered public hospitals, they operated in a vastly different way from public hospitals operated by state governments. Chief Executive Officer of Catholic Health, Mr Martin Laverty, told Senate hearings that for this bill to be effective it needed to have regard to the unique nature and the slightly different legal status under which CHA's 21 public hospitals operate. He said:

Nearly all of the evidence presented to this inquiry from organisations will argue, and we are no different, that the operation at both government and operational level of this authority should involve people from outside of the public sector, outside of government.

Medibank pointed out to the committee the expertise it had gathered over a long period of time in negotiating with healthcare providers for efficient price outcomes and effective health outcomes. It offered to share that expertise with the new authority; I would hope that is taken up. It is difficult to understand that that expertise in the private sector has not already been taken up.

The government has before it a Productivity Commission study into public and private hospitals, which found: on average: that treatment in private hospitals costs less per casemix adjusted separation than in public hospitals; when analysing the costs that private hospitals can control, they found that they cost 32 per cent less than public hospitals; private hospitals have a more complex casemix than public hospitals; and private hospitals offer more timely access to elective surgery. Analysis by the commission also showed that private hospitals carry out more elective surgery with patients from disadvantaged socioeconomic backgrounds than public hospitals. As the Private Hospitals Association stated, there are:

… compelling reasons why the private hospital sector should be an integral part of developing reform solutions …

Finally, a number of the submissions regarding this legislation raised concerns about how teaching, training and research would be funded under the new pricing authority and activity based funding. The department appeared before the Senate committee and advised that in the Commonwealth's agreement with the states there are specific provisions for these crucial areas to be block funded under negotiations yet to be undertaken. Regarding many of the other matters raised, the department assured that the framework of operations for the pricing authority would allow for input from all sectors of health care and other interested parties. We wait to see the outcome.

But the question posed by the numerous policy and program outcomes this government has inflicted upon Australia is simple. Can we trust the Gillard government to get it right? Can we trust them to deliver on the commitments that they make? The track record, unfortunately, does not provide confidence that we can. The coalition does not oppose this legislation, but we raise as part of our contribution to this debate all of those learned contributions. In flagging concern about the government's efforts in this area we hope that they heed some of that
concern and we fear that basically, by ripping away the independence that was first projected, this government sets itself up to fail on yet another area of public policy.

Dr LEIGH (Fraser) (19:28): Mr Speaker, I rise to speak on the National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011. Public hospitals are the cornerstone of Australia's healthcare system. In Australia, if you are seriously sick or badly injured, you can go to your local public hospital and be sure you will be afforded a high standard of care from well-qualified professionals. Australians do not live in fear of medical bankruptcy.

Looking after the wellbeing of Australians is what the Labor Party does. We are, after all, the party that introduced Medibank, under the Whitlam government in 1975. Recreated as Medicare under the Hawke Labor government, it is an everyday reminder of the commitment Labor has to affordable, accessible and quality health care for all Australians. Recently the government reached agreement with all the states and territories for a national healthcare agreement. This followed a comprehensive process to make sure we got health reform right—a process that involved an independent inquiry, an extensive consultation with states, territories, healthcare providers and health experts—because this government cares for the issues that matter most to Australian families.

Australian families want to know that when a member of their family falls sick they can get the help they need from a public hospital irrespective of their circumstances or location. But in meeting that goal we have to continually improve health care. Labor is the party of reform in Australia and this includes making the healthcare system of tomorrow better than the one we have today. Australians need to have the confidence that if they are badly hurt the public hospital system will be there as their safety net.

I was stunned on 12 September this year by an incident in the United States. At a Republican presidential candidate debate, hosted by CNN and the Tea Party Express, debate moderator Wolf Blitzer asked a hypothetical question about a young man who had failed to buy health insurance. He asked congressman Ron Paul whether the young man should be provided government financed medical care in the event of a serious accident. Blitzer asked Paul: 'Are you saying that society should just let him die?' While Paul hesitated, a number of audience members shouted out, 'Yeah!'

We are fortunate to live in a country where this type of outburst is unthinkable, where there is no question about the role of government in the provision of health care. We know it is the right thing to do and we know it is something we need to get right. Labor's introduction of Medicare has now ensured, decades on, that it is part of the Australian social fabric.

Under the new health agreement, the Commonwealth government will commence by paying 45 per cent of the growth in hospital costs from 2014 to 2015. From 2017-18 that figure will be increased to 50 per cent. There will be a national funding pool so all hospitals will be paid in the same way, whether they be in Bourke or in Ballarat. This will deliver unprecedented transparency to hospital funding arrangements. This transparency will be furthered by the introduction of activity based funding. As one of the key recommendations of the National Health and Hospitals Reform Commission report, activity based funding will increase the efficiency of public hospital funding.

This will be a departure from current arrangements. The Commonwealth provides
public hospitals with block grants through state and territory governments. These grants are not tied to service provision. Under the new arrangements, they will be overseen by the Independent Hospital Pricing Authority, a key institutional reform under the National Health Reform Agreement. It will operate alongside the Australian Commission on Safety and Quality in Health Care and the National Health Performance Authority to ensure that greater transparency drives reform. In practical terms this will mean more beds, more local control, more transparency, less bureaucracy, less waste and less waiting.

As the dad of two little boys who always seem to be falling and hitting their heads, I have spent many hours sitting in emergency departments dealing with everything from concussion to gastro problems. I know the stress that builds up while you are sitting in that emergency room waiting for service. It is imperative that we do what we can to cut hospital waiting times, to make sure that those who are in urgent need of attention get it. Equally important is ensuring that those people whose requirements are less pressing are provided with quality care outside the hospital system. We should get the people who need quick access to hospitals in as quickly as we can but also ensure that those who do not need a hospital are not using the hospital facilities and putting pressure on them.

The Independent Hospital Pricing Authority will operate as an umpire, setting a price for the growth in hospital services and providing the government with advice on their implementation. As agreed at COAG, the new national approach to activity based funding will commence from 1 July 2012. The record investment in public hospitals of an additional $19.8 billion over 10 years will see the Commonwealth paying 50 per cent of the efficient cost of growth in hospital costs. The key here is that the Commonwealth funding will be based on the nationally efficient price, not a blank cheque to the states and territories. Finding efficiencies to healthcare delivery can have real results. In his book *Super Crunchers* Ian Ayres tells the story of American paediatrician Don Berwick who set out to save 100,000 lives. He based his grand aim on the fact that about that many people died each year in the United States due to preventable medical errors. Berwick did not go looking for radical changes or surgical advances. He simply looked at common complications and procedures—procedures such as preventing lung infections from ventilators by elevating the head of a hospital bed, cleaning a patient's mouth to reduce the spread of infection and using rapid response teams to rush to a patient's bedside at the first sign of trouble. Surprisingly, his most effective suggestion was to introduce systematic hand washing. Systematic hand-washing campaigns in hospitals reduce the risk of certain infections by more than 90 per cent. This statistic guided Berwick's pathway to save these lives.

I commend the Minister for Health and Ageing for last week announcing that the MyHospitals website will now publish infection rates. That will be another way of ensuring that transparency drives local reform. In addition, a nationally efficient price means that those types of medical errors—errors that inevitably require patients to get additional care, to use precious hospital beds for longer—will become even more costly for hospitals. There will be a financial incentive for hospitals to reduce the rate of medical errors because they will become a real cost burden on hospitals that do not tackle medical errors.

By providing independent advice to the government on the efficient costs of such services as well as developing systems to
support activity based funding for such services, the Independent Hospital Pricing Authority will significantly improve the monitoring of the performance of our healthcare system. Under this bill the authority will also calculate block funding amounts for hospitals not subject to activity based funding—something that is especially important for the delivery of health care in regional and rural areas. Small regional and rural hospitals will be protected under the new financing arrangements proposed in the bill.

This government is committed to funding health services so that all Australians, regardless of where they live, have access to great health care. Where activity based funding is not appropriate, the block funding system will continue. We will make sure that rural and regional hospitals are able to continue to meet their obligations and can deliver high quality patient care. These are the Labor values of equality and fairness in action.

While the Independent Hospital Pricing Authority will provide advice to state and territory governments on the efficient price for procedure and operation of public hospitals, it will not determine the payments made by those governments. The advice will not be binding, and the states and territories will maintain their discretion. The move to activity based funding is a vital reform because it helps ensure that hospital financing can adapt and adjust to changes in service demand. As the demographics of our population change, we have to equip public hospitals with the tools to deliver the appropriate services to the people who need them at the right time. The funding system has to reflect the needs of the community, to be targeted, flexible and responsive to technological advances in the detection and management of illness and injury.

The authority will enable activity based funding to have hospitals adjust to the needs of shifting populations, local demographic characteristics, changing costs of delivering medical services through innovation, and the complexity and location of delivering hospital services. To help public hospitals meet the challenge of shifting demands, the authority will play a role in determining what constitutes a public hospital service. It will provide assessments and recommendations in relation to the resolution of disputes between governments over cost-shifting and cross-border funding arrangements. Cross-border issues are a major challenge for the ACT, with Canberra Hospital serving a much wider region than the ACT.

In the interest of openness and transparency the Independent Hospital Pricing Authority will be required to publish its advice and other information. That will help inform decision makers in relation to the funding of public hospitals. In establishing national governance agencies and a performance and accountability framework, this government has shown that it is serious about delivering an effective and efficient public hospital system—one that meets the demands of the future and gives Australian taxpayers value for money.

To support the work of the authority two advisory committees will be established: the clinical advisory committee and jurisdictional advisory committee. Those committees will provide advice to the authority on developing and specifying classification systems for healthcare and other services. The clinical advisory committee will consist of a chair and eight members, all of whom are clinicians. The jurisdictional advisory committee will also provide advice to the authority on a range of matters, including: adjustments to the nationally efficient price to account for variations in delivering health care, advice
on the standards and requirements in relation to the provision of data by state and territory governments, and funding models for public hospitals. Under the guidance of the nine members of the authority and the support provided by the authority's advisory committees, it will be well advised by people with extensive clinical and professional expertise in the vital role it will fulfil.

The public hospital system is something we almost take for granted in Australia. We take it for granted that it is our right as Australians that if we are sick we can go to hospital and we will get that treatment. It is a right that Australians have come to expect and do expect, but it is something that does not come easy. Through the authority and other reforms under the National Healthcare Agreement, this government is taking an active role in ensuring healthcare providers deliver quality health care. The reforms have not been easy and we have had to make some tough decisions along the way, but we have taken the responsibility for bringing about a landmark agreement.

It is important to recognise healthcare reform in context. This is not just great healthcare reform, it is also great economic reform. Just as the Labor governments of the 1980s put in place macroeconomic reforms, such as floating the dollar and tariff cuts, and the Labor governments of the 1990s put in place vital microeconomic reforms, such as competition policy and enterprise bargaining, so too the Labor government of today is putting in place the next wave of reform—that is, reforms of public sector productivity, making sure that schools and hospitals work better. We are not only ensuring this is done transparently through the My School and My Hospital websites, but we are also ensuring that Australians get the best deal out of their public services. In the case of health we want to know that when we become sick, the dedicated staff from our local public hospital can do their job to provide the care our family and friends need at the time when it is needed most. I commend the bill to the House.

Debate adjourned.

BUSINESS

Days and Hours of Meeting

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (19:42): I present a chart showing the program of sittings for 2012. Copies of the program have been placed on the table. I ask leave of the House to move that the program be agreed to.

Leave granted.

Mr ALBANESE: I move:

That the program of sittings for 2012 be agreed to.

We are tabling the sitting pattern for 2012 at the earliest possible opportunity in order to give people as much notice as possible for booking with either Qantas or Virgin to travel to Canberra. It is the same number of weeks and the same number of days sitting in 2012 as has occurred in 2011. I note that the member for Gippsland has congratulated me as Leader of the House in not sitting on Melbourne Cup day next year. That is a view that he shares very strongly with Senator Stephen Conroy. The latter part of the year, because of what has occurred in international relations, is much more difficult than it used to be. The latter half of the year is when meetings of the East Asia Summit, the United Nations General Assembly and the G20 meetings—at which Australia is an important participant—tend to occur. It is obviously vital that Australia be represented at the highest level and that the Prime Minister and other senior members are able to participate in those forums. Hence the documentation in terms of establishing a sitting pattern is much more difficult than it
used to be even just a few years ago. In addition, next year there is the Rio Plus 20 summit and a number of other important international events.

The House of Representatives and the Main Committee have gone from sitting an average of 44 hours per week in 2005 to an average of over 65 hours in 2011. It is possible, with goodwill across the parliament, to ensure that we are more productive as a House by having flexible arrangements with regard to sitting and by ensuring that the ability of the House of Representatives to function in two chambers at the same time is maximised. People will note that we are calling upon our Senate colleagues to sit a separate Senate budget estimates, as occurred in the latter half of this year, just over a week ago. Also there is an additional Senate-only sitting week towards the end of the parliamentary year. Traditionally what occurs is that the House is waiting for the Senate to deliberate on bills. This proposition will ensure very clearly that we are able to do that. Of course, it is also possible—as occurred with the Senate, which has scheduled an extra sitting week next week—for there to be additional times for either the Senate or the House of Representatives, should that be required.

This year we have passed 222 pieces of legislation through the House of Representatives. Major legislation included all of our budget measures; the Clean Energy Future package of 19 bills; the legislation for the structural separation of Telstra; legislation with regard to national health reform; important legislation across education, infrastructure, transport and a range of portfolios. This is a parliament that, in spite of the fact that the government does not have a majority on the floor of the House of Representatives, is not only functioning but functioning effectively on behalf of the Australian people. I commend the program to the House.

Mr PYNE (Sturt—Manager of Opposition Business) (19:48): Looking at the sitting pattern for 2012 and comparing it with the pattern for 2011, what strikes me is that a government that does not have an agenda does not need to sit. And this government does not need to sit. There were 63 sitting days in 2011 and there are 63 sitting days in 2012. Unfortunately, the sitting pattern gives away what Australians know about this government, which is that it does not have a plan for the future and it does not have an agenda. This government is sitting less on average each year than any other government in the last 20 years in the Australian parliament in a non-election year. Why doesn't it have to sit? There are two reasons. Firstly, it does not have a plan for the future for the Australian people. Secondly, it cannot rely on its numbers in the House to pass legislation to win a procedural vote. In fact, it has lost 25 votes in this parliament in the last 12 months—five times more than the Menzies government lost between 1961 and 1963, when Sir Robert Menzies at least had the decency to say that he would call an election because the Australian people deserved an unambiguous parliament.

There are 366 days next year, because it is leap year. There are 104 weekend days next year and 10 public holidays. There are 252 working days next year, and this government has the House sitting for 63 of them. I know that 63 days out of 252 represents the work ethic of the Australian Labor Party, but I think the Australian people expect a great deal more from their parliament and from their government than 63 working days in this parliament out of 252 days that could be available for the government to sit next year.
The other thing that strikes me about this sitting pattern is the rushed way in which it is being brought into the parliament. This copy comes from the clerks. The clerks are also aghast at the lack of sitting days—I am sure they understand I am only joking, Mr Deputy Speaker—so they very generously laminated this sitting pattern for me. I asked them for a copy of it to show that the House rises on 24 November this year. We rise on 24 November and we do not sit again until 7 February next year. For at least 10 weeks and a few days, the government has no agenda to put to this parliament—no reason to come to the parliament to face question time. The Prime Minister does not want to face question time in this place; that is why she routinely cuts question time off at about 3 o'clock or 10 past 3, when the parliament is asking her questions. For 10 weeks at least over the summer, the parliament is not sitting. It has to be one of the longest breaks in parliamentary history—in two years which are supposedly not election years.

The other thing that strikes me about the schedule for next year is the insistence that it be rushed through the parliament tonight. We all know why—it was leaked out of the Senate, across the parliament today. It was leaked today before it was tabled.

**Mr Albanese:** I just tabled it!

**Mr Pyne:** The Leader of the House has so lost control of his own side that he cannot even stop them leaking the schedule of parliamentary sittings. What will be next? I suppose the room service menu of the parliament will be leaked next, or the dining room menu will be leaked. This government is falling apart at the seams; it is leaking from every single hole in the sieve that has become the Labor Party government. We have seen the terrible means by which they have tried to help travelling passengers over the last three days. We saw the Leader of the House struggling to answer questions today in question time, trying to pretend that he had not had any notice that Qantas could possibly ground their aircraft.

So, of course, we have a sitting pattern with only 63 sitting days. Firstly, the government does not have an agenda or a plan for the future. The Australian people are looking for a government made up of adults who know how to make decisions and are not captive to events, hostage to events, directionless, leadershipless and hopeless.

I do not commend the sitting pattern to the House. I can tell you that if there were an Abbott government we would be sitting a great deal more than 63 sitting days out of a possible 252, because we would have a plan and we would have an agenda. To start with, we would be rolling back the carbon tax. Secondly, we would be rolling back the mining tax. And, if the government is foolish enough to pursue mandatory precommitment, I predict that we will roll back the mandatory precommitment and replace it with our own policy to deal with the pokies.

With that, I will not hold up the House any longer. I do not commend the sitting pattern to the House but I will certainly not be calling a division and voting against it.

**Mr Albanese** (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (19:54): In conclusion, I make two points. The first point is that the parliament is getting younger—which is a good thing for both sides of the House—and members and senators are more likely to be young parents, whether they be fathers or mothers. And I make no apology for the fact that I have been consciously taking that into consideration over the last two years. School tends to go back after the Australia Day weekend, and I have been asked—indeed, by people on both sides of the House—to see if
we could not sit when school returns. That is what I am doing with this proposal before the House. I think that is a good thing.

I note that this will not be opposed by the opposition. This is a sensible sitting schedule. I commend it to the House.

Question agreed to.

BILLs

National Vocational Education and Training Regulator Amendment Bill 2011

Report from Main Committee

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

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr SNOWDON: by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

National Health Reform Amendment (Independent Hospital Pricing Authority) Bill 2011

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr LAMING (Bowman) (19:57): It is with pleasure that I support the bill we are discussing tonight, but I do have significant reservations, as do the coalition, with the establishment of a hospital pricing authority as one of the three tiers to the National Health Reform Agreement signed off by COAG earlier this year—the other authorities being the Commission on Safety and Quality in Health Care and the National Health Performance Authority, now residing in the other place.

The issue of pricing in Australia has always been an incredibly vexed area because we deal with two levels of government in healthcare funding. That need not be an impossible scenario for the delivery of a world-class health system. In fact, Australia's system is rated on the human development index around one or two in the world, which is a tribute to the standard of care that Australia can offer, focused on general practice and working closely with the pillars of Medicare, the PBS and the public hospital system, as well as a very strong credentialing of private hospital and private health insurance system.

But when we look for transparency and when we are looking at activity based funding, the language of the last two decades in health reform has been focused on identifying diagnostic groups, clearly identifying the subgroups and paying service providers accordingly. The great challenge has been to clear the picture of exactly what payers are paying providers for. The great challenge has been that we have two streams of funding and providers who often have irrational, perverse incentives to not deliver in particular areas of health care, leaving what we commonly refer to as gaps and, in other areas, overlaps. To attempt to address this and to deliver transparency, we have been told by this side of the chamber that the future is a $50 million a year opacity in the form of a hospital pricing authority to help us do it and hundreds of millions of dollars to run these authorities over forward estimates. As I have said before in this place, it is okay to talk about new authorities and new bureaucracies to run our health system, but one cannot do that and not be delivering on the far more important, the far more grafting, the far more critical work in health reform, which is making sure that services
are world class and making sure that Australians do not miss out for a whole host of reasons around rationing, cost containment, perverse behaviour and interruptions to service delivery.

Debate interrupted.

**Territories Self-Government Legislation Amendment (Disallowance and Amendment of Laws) Bill 2011**

Second Reading

Debate resumed.

The **DEPUTY SPEAKER** (Mr Murphy): In accordance with standing order 133(b), I shall now proceed to put the question on the amendment moved by the member for Solomon on which a division was called for and deferred in accordance with the standing order. No further debate is allowed.

Question put.

The House divided. [20:05]

(The Speaker—Mr Harry Jenkins)

Ayes.................67
Noes..................69
Majority.............2

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Question negatived.

Debate interrupted.

PRIVATE MEMBERS' BUSINESS

Bombing of Darwin

Mrs GRIGGS (Solomon) (20:12): by leave—I move notice No. 3, as amended, relating to the bombing of Darwin, in the terms circulated to honourable members:

That this House:

(1) acknowledges 19 February 1942 as the day Darwin was bombed and marks the first time Australia was militarily attacked by enemy forces;

(2) reflects upon the significant loss of life of Australian Defence personnel and civilians during the attacks and casualties of the bombings;

(3) recognises that the attack remained a secret for many years and that even today, many Australians are unaware of the bombing of Darwin and the significant damage and loss of life which resulted;

(4) also recognises the campaign of coordinated bombings against northern Australia involving 97 Japanese attacks from Darwin, to Broome and Wyndham in the west, to Katherine in the south, to Townsville in the east over the period February 1942 to November 1943; and

(5) calls for 19 February of each year to be Gazetted as ‘Bombing of Darwin Day’ and be named a Day of National Significance by the Governor-General.

I rise to speak to my motion, but can I say firstly that I am disappointed that Minister Snowdon, the Minister for Veterans’ Affairs, is now playing politics with this motion. I have only been here for a little over 12 months and, having listened to my constituents, I have brought this motion to the floor. And despite this motion being tabled for the last five weeks, in my view enough time for the minister to contact me and talk through possible changes, it is disappointing that at the 11th hour Minister Snowdon through his staff proposed amendments which I felt watered down the original intention of my motion.

The tabling of this motion was to fill a commitment to my community and a number of constituents who have asked that this place recognise the bombing of Darwin as a national day of significance and highlight the significant moments surrounding this event.

Since coming to this place I have spoken a number of times on the bombing of Darwin. I have tried to raise awareness of the events commencing with the bombing of Darwin in 1942 and sought for the history of these events to be included in the national curriculum. On 20 June this year, when speaking on the Veterans’ Entitlements Amendment Bill 2011 in this very House, I asked the government to appropriately acknowledge the bombing of Darwin as an event of national significance and, in addition, to ensure funding be provided for the commemorations of this very important event. The significance of this event and the drive to provide recognition in terms of a day of remembrance are not just a manifestation of a nice push for my office but a representation of the sentiment of constituents within my electorate and the broader Northern Territory.
Darwin is a town which owes much of its rich history to the presence of the military. A tri-military town, Darwin provides a home to personnel representing the Navy, Army and Air Force arms of our military. Pride is a word that comes to mind when discussing the military and military history with people within the Northern Territory in general. Territorians are passionate about who they are and about the history that underpins the Territory's development. This pride includes the ongoing presence of the military and how it is interwoven within the fabric that is the Northern Territory.

The 19th of February is a significant date which has for many years been on the books for inclusion in the Territory's calendar of important events. As an example, each year the Darwin City Council coordinates an annual commemorative service at the Darwin Cenotaph with proceedings commencing at the exact time the very first raid occurred on 19 February 1942. At 9.58 am on 19 February 1942, the true impact of a war which most Australians considered was happening across the other side of the world hit Australia. Darwin, the most northern capital city and a place few Australians at the time viewed as strategic, became a battleground—not just a battleground but the first site for an attack on our homeland and sovereignty. On that day, history was set. Our nation witnessed a loss of life which to this day remains one of the largest of any single national event, eclipsed only by the deaths of 645 service personnel on HMAS Sydney in 1941 and the deaths of 1,050 Australians killed in the sinking of the Montevideo Maru, a ship carrying POWs off Rabaul in July 1942.

On that 19th day of February, our nation grew up and changed forever. As a member of the British Empire, our troops, along with troops from other Commonwealth countries, were a world away fighting for survival in other places. It was not our pilots or our combined Commonwealth forces in the skies over Darwin fighting to protect our homeland on this day; it was Americans. The air defences on 19 February 1942 over Darwin remained in the hands of a small number of American Kittyhawk fighters. These brave pilots, half of a flight which had returned to Darwin from an earlier cancelled mission, had remained in the air on guard while half landed to refuel. Within Darwin Harbour an array of ships, merchant and naval, sat at anchor, were moored to wharfs or were under steam moving within the harbour environs. The numbers included the United States naval ships the USS William B. Preston and the USS Peary and the United States army transport ships Meigs and Mauna Loa.

At around 8.45 on the morning of 19 February, the first wave of some 188 aircraft deployed from enemy aircraft carriers 350 km north-west of Darwin. These were the same enemy carriers and ships which constituted the Japanese imperial strike force which attacked Pearl Harbour on 7 December 1941, two months earlier. Unlike the surprise attack on Pearl Harbour, the defences of Darwin—as cited in A War at Home: A Comprehensive Guide to the First Japanese Attacks on Darwin, written by Dr Tom Lewis OAM, Director of the Darwin Military Museum and renowned military historian—were well prepared. Eighteen anti-aircraft gun emplacements, many machineguns and the combined weapons of 45 ships were trained on the Darwin skies. As stated by Dr Lewis in a recent media release, around 7,000 defenders in Darwin had much to be proud about. In fact, they had already defeated the first attempt to close off the port the previous month. Four 80-man enemy submarines were repulsed and one of them sunk by the corvette HMAS Deloraine. The I-124 remains outside the harbour today.
At 9.58 am on that February day, the first 188 strike force aircraft commenced a bombing raid over the city of Darwin, followed by the addition of a second flight of some 54 aircraft. At the end of the attack, nine ships, seven within the harbour and two in waters north of the harbour, where on the way to the ocean floor. Almost the entire squadron of 10 Kittyhawk fighters had been destroyed, along with three USN Catalina flying boats, as recorded within allied loss sheets for the period, and numerous other defence and civilian aircraft. Damage across the wider Darwin area was significant, with the administrator's residence, the local police station, the post office and numerous government offices destroyed.

In terms of human loss, soon after the event figures of up to 1,000 people dead were reported. However, the figure of 251 cited by Paul Rosenzweig, in his article 'Darwin 50 years on: a reassessment of the first raid casualties', published in 1995, is the most convincing. Of the 251 lives lost, 89 of these were American servicemen, lost in the bombing and subsequent sinking of the USS Peary. Interestingly, reports through the printed press and via radio to a broader Australian public at the time were considerably reduced in comparison. It was reported on the front page of the Melbourne Herald the day following the attack: '15 killed, 24 hurt in Darwin'. The Sydney Morning Herald reported 'No vital damage to RAAF establishment', with the total number of casualties reported as 'eight killed'. The government of the day chose not to reveal the true situation in Darwin, particularly the strategy behind the Japanese bombing raid and the importance of defending and retaining control of Australia's northern coastline. Following the attack of 19 February, troop numbers in Darwin and across the northern coastline were bolstered. Life in Darwin, thanks to the resilience of the Darwin population and the Aussie spirit, went on as normal. Over the course of 1942 and 1943, Darwin was attacked and bombed a further 64 times. Fortunately, the loss of life remained small. Darwin was not the only site for attacks across the broader region of Australia's northern coast, with bombings occurring in both Wyndham and Broome.

Sadly, the events of World War II, in terms of the bombing of Darwin and the northern coast, have not been remembered with the significance they should. These attacks were not random and the acts of some individual; they were acts of war perpetrated against our Australian homeland; they were strategic attacks by forces wishing to gain an advantage and were willing to kill Australians to effect that purpose. Pearl Harbour only needs to be mentioned for every American and a considerable proportion of the Western world to immediately conjure up images or recognise the magnitude of that one attack in December 1941. Yet, from an Australian perspective, the bombing of Darwin should be no less significant in our minds and our history. The bombing of Darwin is our own Australian Pearl Harbour; it was undertaken by the same Japanese imperial strike force and for the same strategic advantage over enemy forces of the day.

In the past two years—including during my pre-election activities within the Solomon electorate—when meeting with the community, returned service personnel and current serving military personnel, a significant number of people have sought to progress some form of national action designed to afford an opportunity to pay respects of remembrance not just of the events surrounding the bombing of Darwin but also the broader bombing campaign across Australia's northern coastline.
The date of 19 February recognises that very first attack on Australian soil—a day when 10 ships were sunk, numerous defence and civil aircraft were destroyed and there was the loss of 251 lives, including a recorded 89 on the USS Peary. This date signifies the very start of a prolonged bombing campaign, undertaken by an enemy who sought to attack our homeland and sovereignty. In my view, it is the date best suited for a day of remembrance.

I acknowledge Dr Tom Lewis, firstly for his advocacy on this issue but also for his valued texts on the history of Darwin and its significance in terms of Australian history during the Second World War. Much of my speech today is a result of the historical record generated by Dr Lewis. Australian history is not just for the historian. Dr Lewis and a long list of people value the importance of our history and support the premise: history should be recognised, celebrated and, most importantly, remembered by all Australians.

The significance of 19 February is not just for the remembrance of the events of World War II and the events across northern Australia; this date signifies much more. As I stated earlier, this date reflects pride—pride for our military and pride for our history. This date also promotes reflection—reflection for events long passed; reflection on what we could have been if events of those times in World War II had turned out differently. More deeply, this date addresses a need to remember, not specifically events but the loss of valued lives in the service of our country. In a population where a large proportion of our residents are serving military personnel, engaged in support services associated with the military or returned service personnel, remembrance of fallen friends, mates and service men and women from yesterday and today is of vital importance.

The date of 19 February is not just a date in terms of Australian history; it is far more personal to many and far more deeply felt. Not always have we satisfactorily remembered all the theatres of war or conflict in which our service personnel have been engaged. In truth, we as a nation at times have for many and varied reasons failed to adequately recognise some events and have not demonstrated the respect and pride deserved by those who fought. As a result, opportunities to redress the importance of recognition and remembrance are often more deeply felt.

I offer this motion, that the date of 19 February each year be recognised as the bombing of Darwin day: a day when the battle for and defence of our northern Australia coastline and homeland commenced in World War II. I commend the motion to the House.

Ms Gambaro: I second the motion.

Mr SIDEBOTTOM (Braddon) (20:27): I thank the member for Solomon for raising this very interesting topic and for the recognition that she wishes to give through her motion to the events in Darwin on 19 February 1942. When war began in 1939, Darwin was a small Northern Territory town. By 1941, things had changed and Darwin was a potential target. By 7 December 1941, with the bombing of Pearl Harbor, the invasion of Malaya, the falling of Guam and, of course, the bombing of Singapore, it became an even more strategic target. By late February, Port Darwin was an important staging point for ship convoys and aircraft on their way to the fighting in the north-west. It was particularly crowded on 19 February 1942. As the member for Solomon pointed out, it was the first enemy attack on Australian soil in the history of the
Commonwealth of Australia. In December 1941, with events escalating in the region, women and children were evacuated from Darwin, leaving a civilian population of approximately 2,500. I note that little thought seems to have been given to evacuation of the rather large Aboriginal population at that time.

The bombing of Darwin commenced on 19 February 1942 at approximately 10 am. A missionary on Bathurst Island, Dr John McGrath—and possibly coastwatchers on, for instance, Melville Island—attempted to report a large number of aircraft heading towards Darwin, but his warning was discounted by the RAAF as a result of the mistaken belief that the aircraft were returning US P40 Kittyhawks. As a result of this mistake, the residents of Darwin received almost no warning of the first attack. Between 19 February 1942 and 12 November 1943 there were some 64 air raids on Darwin. There were two waves of aircraft on 19 February 1942. The first wave consisted of some 188 Japanese aircraft that were launched from four aircraft carriers in the Timor Sea. It is interesting to note that those four carriers were subsequently sunk in the Battle of Midway in June 1942. This was the same carrier force which had been responsible for the attack on Pearl Harbor, which was led by Mitsuo Fuchida, of Tora! Tora! Tora! fame, who I understand lived until 1976. The bombing commenced just before 10 am and finished at approximately 10.30.

Darwin at the time was the base of the 7th Military District of Australia. The Larrakeyah Barracks contained men of the 23rd Australian Infantry Brigade. There were also two Australian infantry anti-aircraft batteries and the important Royal Australian Navy base in Darwin, including a floating dock. The RAAF was represented at a base built in 1940 that was eight kilometres south of Darwin. I understand that, at that time, a radar station at Dripstone Caves outside Darwin was not yet operational. However, this newly invented aid was eventually of great help in forestalling subsequent attacks on Darwin itself.

There were 10 US Kittyhawks from the US 33rd Pursuit Squadron that attempted to intercept the Japanese bombers. Unfortunately, all but one of them were shot down before they were able to engage the Japanese bombers. Four US pilots were killed and only one Japanese Zero was downed by the defence force that was left—an anti-aircraft battery. The second wave consisted of 54 bombers, which bombed the RAAF base just before noon. This raid lasted approximately 20 minutes. The Japanese lost between five and eight aircraft in this raid.

It is estimated that the Japanese lost between five and 10 aircraft in the raids and, of course, Australian losses were much higher. There were some 97 air attacks on Northern Australia during World War II. The first prisoner of war to be captured on Australian soil was, Sergeant Hajime Toyoshima, a Japanese Zero pilot who was detained by a Tiwi Aboriginal.

The claim that there were more bombs dropped on Darwin than on Pearl Harbor is made by Peter Grose in his book *An Awkward Truth*. The claim is plausible but, unfortunately, I have been unable to find an official source or sources to verify it. Eight ships were sunk in Darwin Harbour and 15 were damaged. Two merchant ships were sunk near Bathurst Island, just north of Darwin, and at least 243 people were killed. The *Northern Territory News* records that 'one of the first bombs severed the wharf from its shore approaches and killed 22 waterside workers'. Nine post office workers were killed after a direct hit on the trench they were sheltering in. Approximately 17
people were killed on merchant ships at Bathurst Island. Twelve people were killed aboard the hospital ship *Manunda*. The largest loss of life occurred aboard the USS *Peary*, with 91 of her 144 crew lost as a result of the bombing. Another 15 died on a the *William B Preston* and 320 people received hospital treatment for wounds. The wharf was badly damaged and the police station, police barracks, post office and administrator's office were all destroyed.

News of the raid on Darwin was given to the public by Prime Minister John Curtin, who at the time was in hospital suffering from exhaustion. Prime Minister Curtin's statement was brief and contained no details of the strength of the attack or the number of casualties. On 20 February, Arthur Drakeford, the Minister for Air, issued a statement that 15 people had been killed and 24 hurt. The statement also said several ships had been hit and no vital installations had been destroyed. The next day the casualty figures were revised upwards to 19 killed—nothing like the number that were killed or, indeed, the damage that occurred. Given that communications from Darwin had been totally cut for some hours after the raids, it is possible that these statements were made without access to the facts. But it is also true that in wartime the authorities will sometimes suppress information which would cause panic or have a negative impact on morale—understandably.

Peter Grose said that he found no specific censorship of the Darwin raids during his research for his book *An Awkward Truth*. The official figure of 243 dead was the figure arrived at by Justice Lowe in his then secret commission to the Curtin government. His report, called *Bombing of Darwin*, was commissioned by the government in early March 1942 and the initial report was delivered by 27 March.

Most subsequent commentators have agreed that Justice Lowe's figure of 243 dead was probably too low. Grose put the figure at 297 and reported the view of other commentators that the number might be higher again. The exact figures, as we understand, are difficult to arrive at because, at the time of the raid, the tide was running out to sea and, as a result, some bodies were never recovered. Peter Grose discounts the much higher numbers such as 1,000 on the grounds that large numbers of missing persons were not identified and, if the number of dead was so much higher than the official version, who were they?

Whatever the figure, the actual suffering and damage was real and significant. By mid-afternoon on 19 February 1942, large numbers of residents, fearing a Japanese invasion, were fleeing Darwin. The *Oxford Companion to Australian Military History* records that 'allegations of mass panic were exaggerated, but probably at least half of the civilians living in Darwin at the time of the bombing fled'. Darwin's population had already been halved by the evacuation of most of its women and children in the months since Japan entered the war. 'Breakdowns in discipline resulted in many Air Force men joining the exodus and in soldiers, including military police, looting the town'. The exodus from Darwin was popularly known as the 'Adelaide River stakes', located some 120 kilometres to the south. It is further recorded that government concerns about the impact of the bombings upon Australian morale resulted in them underreporting the casualties and the effects of the attacks. The assertions which I have just mentioned are controversial for some and are contested.

On a personal level, I would like to raise an incident that occurred on 19 February 1942 in relation to Royal Australian Navy Leading Cook Francis Bassett "Richard"
Emms. John Bradford in his book *In the Highest Traditions* details RAN heroism in the raid on Darwin by Japanese aircraft in February 1942. He cites a letter written by the Lieutenant Commander Alex Fowler, CO of the boom defence squadron in Darwin in 1942. Darwin Harbour was protected during World War II by the world's longest antisubmarine boom, operated by a total of seven boom defence vessels. One of these, HMAS *Kara Kara*, was anchored as a gate ship. Alex Fowler wrote about Richard Emms:

His has been a shining example of the courage that must be shown by all if we are to beat this determined enemy.

These words are contained in a moving letter written to the widow of the sailor who had been mortally wounded in the stomach and back while defending his ship HMAS *Kara Kara* against waves of Japanese fighter planes during the murderous raid on Darwin in February 1942. Later Lieutenant Commander Fowler wrote a citation in support of this brave sailor, Leading Cook Francis Bassett Emms, who received a posthumous award for his valour and selfless sacrifice. Fowler wrote:

For courage and devotion to duty in action. While seriously wounded, he continued to fire his machine gun on HMAS *Kara Kara* during a continuous machine gun attack by enemy aircraft, thereby probably saving the ship and many of the ship's company. He eventually succumbed to his injuries.

In September 1942, Emms's gallantry was recognised by the award of a posthumous mention in dispatches. His story of bravery is little known, unlike that of his fellow Tasmanian, Ordinary Seaman Teddy Sheean, whom I have spoken about many times in this House. Author and naval historian John Bradford tried to correct this neglect and wrote an article for a local newspaper titled 'Northern Tasmania's unsung naval hero'. Strangely and sadly it was not published then.

Richard Emms was proudly Tasmanian. He was born in Launceston in November 1909, and he joined the RAN in March 1928. He served on the cruiser HMAS *Canberra*. Later, in 1935, he was one of crew of the HMAS *Sydney* when she sailed from England to Australia and was diverted to the Mediterranean and the Suez Canal because of the Abyssinian crisis. Emms's eyesight unaccountably deteriorated while he was in the Suez Canal, so much so that he faced permanent shore posting once his ship docked in Sydney in August 1936. But Emms was a sailor through and through and loved the sea. He retrained as a cook to ensure he could continue to go to sea. Emms's love of the sea, the Navy and his country eventually claimed his life. He died defending his ship, his mates and his country. His extraordinary valour earned him a posthumous mention in dispatches.

Interestingly enough, the story of Richard Emms is very similar to that of Teddy Sheean and very much the same as that of Jack Mantle of the Royal Navy who died in 1940 doing something very similar—that is, defending his ship and his mates. He was rightly awarded a Victoria Cross. Teddy Sheean was not awarded a Victoria Cross but was mentioned in dispatches. Richard Emms was not awarded a Victoria Cross and was mentioned in dispatches. As has been mentioned before: despite celebrating the centenary of the Royal Australian Navy, not one single person in the Royal Australian Navy has ever been awarded the Victoria Cross. Richard Emms now joins 13 others, along with Teddy Sheean, to have that recognised and, hopefully through the current review into military honours, formally recognised. *(Time expired)*
Mr McCormack (Riverina) (20:42): It was the day war came to Australia—frighteningly so—without warning, without mercy. Thursday, 19 February 1942 was a day of infamy, an event which in many ways stripped Australia of its innocence. Previously war had been half a world away, or at least only in our backyard. Now it was at the front door and forcing its way in uninvited. No-one likes unannounced, unwelcome visitors and this was especially horrific for the people of Darwin so soon after the devastation of Japan's bombing of Pearl Harbor on 7 December 1941. Indeed, this was Australia's own Pearl Harbor.

Darwin was then, as it is now, a significant port and an integral asset in Australia's defences, especially so prior to and during World War II against an increasingly aggressive Japanese empire. Much attention was paid to ensuring Darwin was battle ready, if the day ever came when it would be tested. Its port and airfield facilities were developed, coastal defence batteries built and garrison steadily enlarged. The outbreak of war in the Pacific resulted in the rapid enlargement of Darwin's military presence and it was used as a base from which to deploy forces for the defence of the Dutch East Indies.

In January and February 1942 these forces were swamped by Japanese landings, usually preceded by heavy air bombardments. On 19 February Darwin itself was the target. At about 9.15 am that day the invading Japanese force was spotted by an Australian coastwatcher on Melville Island and soon after by Catholic priest Father John McGrath, who was conducting missionary work on Bathurst Island. Father McGrath relayed a message:

An unusually large air formation bearing down on us from the northwest.

Both warnings were received at least twice by radio at Darwin, no later than 9.37 am, yet the Australian duty officer unfortunately and wrongly assumed these reports were referring to returning United States fighters and their B17 escort. No action was taken and, as at Pearl Harbor only two months earlier, Darwin's last-minute opportunity to make hasty preparations for the impending raid disappeared. At precisely 9.58 am the first attack took place. Japanese fighters and bombers made two sustained attacks on the port and shipping in the harbour during the day, with the official death toll listed as 252 Allied service personnel and civilians. On 3 March, Broome in Western Australia was strafed. In the months to follow, air attacks were made on many towns in northern Australia, including Wyndham, Port Hedland and Derby in Western Australia; Darwin and Katherine in the Northern Territory; Townsville and Mossman in Queensland; and Horn Island in the Torres Strait.

There were widespread fears these raids were a precursor to an all-out invasion. Considerable damage was caused and the raids also tied up anti-aircraft defences and Air Force units which would have otherwise been sent to more forward areas.

The Japanese air raids on Darwin on 19 February involved, all up, more than 240 enemy aircraft. It was, therefore, a considerable show of might which had taken careful and deliberate planning by the Japanese. Subsequent raids in April, June, July and November 1942, and March 1943 were undertaken with forces of 30 to 40 fighters and bombers. Smaller operations were also carried out by groups of fewer than a dozen Japanese aircraft. Most raids took place in daylight but there were some night attacks. The 64th, and last, air raid on Darwin occurred on 12 November 1943.
In total there were 97 air attacks on northern Australia and enemy air reconnaissance over the region continued through much of 1944. The immediate response in the hours following the air raids on 19 February was for Darwin's population to evacuate. Many headed for Adelaide River and the train south. About half Darwin's civilian population ultimately fled.

Today, we can only imagine the fear in the hearts of all those in Darwin and the panic, especially after what had happened just 10 weeks earlier at Pearl Harbor. The two attacks on Darwin were planned and led by the commander responsible for the attack on Pearl Harbor and involved 54 land-based bombers and about 188 attack aircraft launched from four Japanese aircraft carriers in the Timor Sea. In the initial attack, heavy bombers pattern bombed the harbour and town. Dive bombers escorted by Zero fighters then attacked shipping in the harbour, the military and civil aerodromes and the hospital at Berrimah. The attack lasted 40 frightening minutes.

The second burst, an hour later, involved high altitude bombing of the Royal Australian Air Force base at Parap for 20 to 25 minutes. As well as the tragic loss of life, 20 military aircraft were destroyed, eight ships at anchor in the harbour were sunk, and most civil and military facilities in Darwin were destroyed.

The Japanese were preparing to invade Timor and hoped a disruptive air attack would hinder Darwin's potential as a base from which the Allies could launch a counter-offensive while at the same time hurting Australian morale. These were indeed dark days for the Allies. Singapore had fallen just four days before Darwin was bombed.

Australia's government was petrified what the dual effect the fall of Singapore and the attack on Darwin would have on the national psyche and announced that only 17 people had been killed as a result of the Darwin bombing.

The air attacks on Darwin continued until November 1943, by which time the Japanese had peppered Darwin 64 times. The Japanese air raids on Darwin on 19 February were the largest attacks ever mounted by a foreign country against Australia. They were also a significant action in the Pacific campaign of World War II and represented a severe psychological blow to the Australian population, several weeks after hostilities with Japan had begun.

This event is often called the Pearl Harbor of Australia. Although Darwin was a less significant military target, it is said that a greater number of bombs were dropped there than were used in the attack on Pearl Harbor. As was the case at Pearl Harbor, the Australian town was unprepared, and although it came under attack from the air many more times in 1942 and 1943, the raids on 19 February were massive and deadly by comparison. At the time of the attack, Darwin had a population of about 2,000, the normal civilian population of about 5,000 having been reduced by evacuation. There were about 15,000 allied soldiers in the area.

Most of the attacking planes came from the four aircraft carriers of the Imperial Japanese Navy's Carrier Division 1 and Carrier Division 2. Land-based heavy bombers also participated. The Japanese launched two waves of planes, comprising 242 bombers and fighters. The 14th Heavy Anti-Aircraft Battery was stationed in Darwin at the time with its guns positioned at a number of strategic locations, including overlooking the harbour.

The only modern fighters at Darwin were 12 USAF P-40E Warhawks of the Far East Air Force's 33rd Pursuit Squadron.
(Provisional), which had arrived four days earlier, having been diverted to cover a convoy which left Darwin before its arrival. There were also a few lightly armed or obsolete training aircraft—five unserviceable Wirraways—and six Hudson patrol aircraft belonging to the RAAF.

The first wave of 188 Japanese planes, led by naval Commander Mitsuo Fuchida, took off at 8.45 am. A USN Catalina aircraft near Bathurst Island was targeted by nine of the Zero fighters, and the plane caught fire although it bravely defended itself. Its pilot, Lieutenant Thomas Moore, managed to crash land upon the sea and the crew were picked up by a passing freighter, the Florence D. Lieutenant Moorer later became Chief of Naval Operations and chairman of the Joint Chiefs of Staff.

A total of 81 Nakajima B5N 'Kate' torpedo bombers then went for shipping—at least 45 vessels—in the harbour, while 71 Aichi D3A 'Val' dive-bombers, escorted by 36 Mitsubishi A6M Zero fighter planes attacked RAAF bases, civil airfields and a hospital. Just before midday there was a high altitude attack by land-based bombers concentrated on the Darwin RAAF Airfield: 27 Mitsubishi G3M 'Nell' bombers flew from Ambon and 27 Mitsubishi G4M 'Betty' from Kendari, Sulawesi.

The number of people killed during the 19 February raids has long been a matter of contention. A plaque unveiled in Darwin in 2001 memorialises the total as 292. The plaque indicates that 10 sailors had been killed aboard the USS William B. Preston, whereas another source indicated it could have been as many as 15. Whatever the case, the toll was high—too high. So many brave allied military personnel and civilians were killed on that awful day.

As a member of parliament whose hometown Wagga Wagga is a tri-service city where the Air Force, Army and Navy have a long and strong presence, I commend the member for Solomon for her foresight in calling for national recognition on 19 February each year as Bombing of Darwin Day. She is a passionate advocate for her electorate and I am pleased and proud to sit alongside someone who has stridently pursued a motion which will give national recognition to such an important event.

I note, too, the member for Solomon's advocacy to have the bombing of Darwin included in the proposed national curriculum. Again, I endorse this push. Far better to have Australian schoolchildren learn about how close northern Australia came to being overwhelmed by an aggressive enemy and how desperately we fought to protect ourselves than this claptrap the education minister is ramming down our children's throats to remove 'Before Christ' and 'Anno Domini' from the classroom. Our children do not need Christian cleansing with the removal of BC and AD and nor do they need to be scared by—

The DEPUTY SPEAKER (Hon. BC Scott): Member for Riverina, use of that word is offensive. I do not want to repeat it; you know what it was. If you could just remove the word—

Mr McCORMACK: I withdraw. I support any move to properly place Australian history in the classroom and the bombing of Darwin was an event which should be taught and needs to be learned. Darwin is a wonderful place. It has just been named one of the best cities in the world to visit in 2012 by the travel guide Lonely Planet. As a place of national historical importance, Darwin is also significant not least because of the fact it was the point at which the greatest threat to our nation's security—(Time expired)
Mr DANBY (Melbourne Ports) (20:52): On that sunny morning on 19 February, the first of two air raids began on Darwin when, as the previous speaker said, 188 aircraft were sighted at Bathurst and Melville Island near Darwin. A missionary, as the member for Braddon said, attempted to report the large number of aircraft heading towards Darwin, but his warning was discounted, as we remember from that great film Tora! Tora! Tora!, because command headquarters thought he had mistakenly identified returning US aircraft. In fact, they were Japanese bombers. They began bombing the minelayer HMAS Gunbar in Darwin Harbour. What followed were the largest attacks against Australia by a foreign power.

As the member for Solomon noted, the attacks on Darwin on 19 February 1942 have often been called the 'Pearl Harbour of Australia' It is quite appropriate, as the member for Braddon suggested, given it was led by the commander responsible for the attack on Pearl Harbour and four of the six Japanese carriers that bombed there. Interestingly, the first POW captured on Australian soil was a Zero pilot shot down over Darwin and captured by a Tiwi Islander.

Since the 1930s Darwin had been considered a vital asset to Australia's defence, containing port and airfield facilities, coastal defence batteries and anti-aircraft guns and garrisons of troops. It was a key port for allied soldiers—there were some 15,000 allied soldiers in Darwin at the time of the attack—and contained a substantial anti-submarine boom net across the harbour. It remains a key strategic asset of Australia and reinforces the foresight of the former minister for defence and now ambassador to Washington, Kim Beazley, that he reoriented the national defence of Australia to the north. So we have very extensive assets of all kinds facing north, as they should, and should have since those days.

The first air raid lasted 40 minutes, as has been said. It targeted everything, including aerodromes, hospitals and ships—243 people were killed, 400 were wounded, 20 aircraft were destroyed, eight ships in the harbour were sunk and the majority of military facilities in Darwin were destroyed. The attacks on Darwin were the first enemy attack on Australian soil, but they were not the last. Our experience of war up until then had been far from our shores. People in Australia forget that, following the air raids on Darwin, subsequent bombings on Townsville, Katherine, Wyndham, Derby, Broome and Port Hedland brought the war closer and closer to home. People also do not remember that many of our brave Australian merchant seamen were sunk in the 300 coastal ships sunk by Japanese and German submarines all around the coast of Australia.

I would like to read a section from a booklet prepared for the Australian War Memorial called Soldering On: the Australian Army at Home and Overseas:

So Suddenly did the Japanese air fleet appear that Darwin was completely surprised. The alarm on the main battery position near the heart of Darwin brought gunners rushing to their guns—some half clothed, others naked from their showers and quarters … The town was ringed and marked by flashes as the anti-aircraft guns opened fire on the droning bombers. The whistle of the falling bombs reached a shrill crescendo culminating in a terrific blast, as they fell among buildings along the foreshore of Darwin. Wreckage was thrown skywards, walls tumbled in and dust and smoke rose from the devastated area. For the first time bombs had fallen on Australian soil. For the first time Australians had been killed in their own homes by an act of war. War had at last really come to Australia.

In the following day and months, Australian troops toiled beside our American allies to
push back Japanese bomber attacks on Darwin. As Soldering On continues:

… the militia anti-aircraft gunners stood to their guns, and crews which had never done a shoot with full charge ammunition before got away as many as 100 rounds in the crowded 50 minutes of the first raid. The bravery and devotion to duty of those gunners has become legend. All around the harbour men fought back at the enemy with their light automatic machine-guns.

In the defence of Darwin we can see the true spirit of the ANZAC and the subsequent ANZUS alliance with our allies the United States, which was signed in 1951.

There was a silly ideological controversy a few years ago that suggested that the Battle of the Coral Sea and the American involvement in trying to prevent Japanese interdiction of supplies to Australia was unimportant, that this was an ideological construct in order to reinforce the American alliance. Nothing could be further from the truth. If you speak, as I did, to Sir Zelman Cowen, who was a young naval lieutenant working in Darwin in naval intelligence, he will tell you exactly how people felt about the oncoming approach of the Japanese. The decision of Prime Minister Curtin, Prime Minister Churchill and President Roosevelt to bring American troops to Australia while that 9th Division stayed in the Middle East was one of those key events during the Second World War that protected the security of Australia.

The date of 19 February was a significant moment in our country's history. As many speakers have said, never before had Australia been attacked on home soil. The fact that information of that day's events was not known for many years is a blight on our history. The attacks on Darwin should not be forgotten, and it is a very good idea that that day become an annual memorial.

To the brave men and women who served in our nation's uniform, to our allied brothers who fought against the attack, to those who lost their lives, sacrificing themselves for our war effort, and to those who helped the wounded and defended the Top End, we remember and thank you. Your sacrifices were not for nothing. Australia would not be the vibrant democracy it is today if it was not for the service men and women who fought and those who continue to fight in Australia's uniform. We pay tribute to all those who have served and who continue to serve in our armed forces—as we do to the three blokes who were murdered by some Taliban coward in Afghanistan in the last few days. We thank them for their sacrifice, knowing that we live in a free, democratic society because of them.

My mate Bob Larkin, the President of Caulfield RSL said in his Anzac Day speech:

Our forefathers saw what was happening in the rest of the world and came back determined that it would never happen here, perhaps unconsciously they put into place attitudes that give us a different slant on life.

......

It is all part of the Anzac spirit, looking after and supporting your mates regardless of where they came from, rejoicing in the fact that they, like you consider themselves Australian.

......

For want of a better word, we called it the Anzac spirit, and when you feel it more than once in your life, as I am sure you will, take 30 seconds to remember the fallen and those who built the legend, the legacy they have left us, and the pride that you too are one with them, because you are an Australian.

That conflict in Darwin and the first attack on our soil should form part of that consciousness that we all have, going forward. I am sure the gentlemen and women charged with the commemoration of the 100th anniversary of Gallipoli will see that those events are properly commemorated and I look forward to them being run as
competently by Air Marshal Houston and friends of mine like the former Minister for Veterans Affairs Mr Sciacca over the next few years.

I know from my own neck of the woods we have a very strong link to the events of Darwin—the block of flats on Queens Road, Monterey, where all allied naval intelligence was based. The tram drivers used to know it; it was not a big secret. But all the intercepts that led to the victory of the Battle of Midway—where those four carriers that attacked Darwin were sunk—were developed, and very proudly for me, at the Monterey block of flats. Similarly, in Port Melbourne, in October 1914, the first ships left for Anzac. I hope that when that important committee charged with the commemoration of the events of Gallipoli begins its tasks, it will remember to have a suitable event to commemorate the place you see pictured in all RSLs around the country, from which all the Australian diggers left in the First World War: Port Melbourne and the stone cairn from where the battalions marched onto their ships. I commend the member for Solomon for this motion seeking to place the battle of Darwin, the bombing of Darwin, in its correct place in Australian history. I hope that, like the events of Gallipoli, it will be properly remembered by generations to come.

Mr WYATT (Hasluck) (21:02): I want to acknowledge the previous speakers and certainly the member for Melbourne Ports for the comments they made in support of this motion. I rise to support the member for Solomon's motion, which calls for 19 February of each year to be gazetted as the 'Bombing of Darwin Day' and be named a day of national significance by the Governor-General.

I have often read with interest the history of Darwin, the war that occurred and the events that followed afterwards. When you trawl through the documents of the National Archives, some of them reveal the essence of thinking and the relationships that prevailed after that event. I read one with interest. It was an Advisory War Council minute issued in Melbourne on 20 January 1942. It was titled, 'Press reports on the bombing of Darwin.' It stated:

The instructions by the Chief Publicity Censor, Department of Information, forbidding publication of sensational reports of enemy operations, unless officially confirmed, were noted.

The addendum stated:

At the meeting of the Advisory War Council on 5 January Mr Hughes referred to reports of the bombing which had recently been published in the press and on press posters in Sydney and Brisbane.

Unauthorised reports of this nature caused needless anxiety, especially to wives and families who had been evacuated from Darwin, and he asked that the Censorship authorities be requested to issue instructions that reports of this nature are not to be published by the press or referred to on press posters, unless they are sanctioned by a responsible authority of the Commonwealth Government.

'When my attention was directed to the dramatised enemy report in the "Sunday Telegraph", Sydney, and the "Truth" Brisbane, of the supposed bombing of Darwin, I immediately (on January 5) issued an interim instruction to Press and Broadcasting Station forbidding publication of sensational reports from enemy sources unless officially confirmed. This has since been simplified, and the current instruction rules (amended).'

That resulted in the suppression of the information in respect of the bombing of Darwin. It is a unique aspect of our history. It is probably the first time not only on our soil but also when military servicemen, servicewomen and civilians living within the township of Darwin were affected by a direct
assault from an enemy on Australian soil. But the stories that are remembered and encapsulated reflect the fear, the unexpectedness and the brutality of war.

When I looked at *Tora! Tora! Tora!* and watched the film *Australia*, I got an inkling of the impact it must have had on that day—the human shock of a city that was peaceful being absolutely disrupted by a bombing process that had a number of bombs far greater than those of Pearl Harbour. The misery and the sense of pain that would have been felt would be significant.

Next year marks the 70th anniversary of that bombing. I hope that we take this chapter out of our history and that we commemorate it in a way that acknowledges our servicemen and servicewomen and also the civilian population that was caught up in that conflict and that the remembering and the commemoration of those events will acknowledge the important element of our history that is a fabric of the society in which we live.

I support the member for Solomon's call for 19 February of each year to be gazetted as 'Bombing of Darwin Day' and to be named a day of national significance. It gives recognition and commemorates all of those who were affected. It acknowledges it was a phase in our history that, whilst not palatable, was nevertheless a very powerful intervention from an external force. I would hate to see us lose that aspect of our history and for future generations not to know the sequence of those events, the number of lives that were officially recorded as being lost and the damage that was incurred.

The commemoration will hopefully encourage others to scour the National Archives and to have a look at the stories that are human interest stories and a logistical factual tale and story of what happened in Darwin—so it is shared for future generations. Those affected will always be remembered.

Mr Griffin (Bruce) (21:07): As former Ministers for Veterans' Affairs, Mr Deputy Speaker Scott, this is an issue we are both aware of as it crossed both of our desks during our time served in that office. In the five minutes that I have, I want to make a couple of comments on some of the issues around the question of how you might commemorate the bombing of Darwin. Frankly, how do we commemorate it? I also want to pick up on a couple of points made by previous speakers.

I congratulate all the speakers for their contributions so far in outlining much of the historical situation around the bombing of Darwin and Northern Australia, the great courage and sacrifice observed by those who were defending these isolated outposts at that time—and they were isolated. In many respects it is a part of our history that not a lot is known about as it was not publicised at the time. It is certainly something that all Australians should be aware of. I note in recent times with the film *Australia* we had at least that part of our history focused on to a degree and that was a useful thing.

I also want to raise a couple of points. While I congratulate and commend the member for Solomon on most of her motion, but she did make a couple of comments that need to be picked up. One was in relation to the member for Lingiari, the Minister for Veterans' Affairs. She said he had been the minister for three years. That is not the case. He has been the minister for just over 12 months. How soon they forget! Prior to Minister Snowdon, I was the minister responsible in this area for some three years. I had the great privilege of representing the parliament and the government at the bombing of Darwin commemorative events
in Darwin, and it was a very special event indeed.

I also make the point—I do not wish to be political, but I cannot help myself sometimes—that for three of the four terms of the Howard government there was a coalition representative for the greater Darwin area. The member for the Northern Territory between 1996 and 1998 and the member for Solomon between 2001 and 2007 was our former colleague, Dave Tollner, now a member of the Legislative Assembly of the Northern Territory. I make that point to point out what we do in these circumstances in respect of commemoration. It is not a simple thing, as you would know, Deputy Speaker.

In the past we commemorated two principal events of national commemoration that were given legislative recognition, and this was a position that governments of both political persuasions held over many years. One was Armistice Day and the other was Anzac Day. There was some debate during the time of the Howard government about what might be done to commemorate other events. As the former shadow minister and then Minister for Veterans' Affairs, I note the Labor Party while in opposition agreed to promote two additional particular events, which we believed covered significant aspects of our military history, but which were not directly covered by Armistice Day and Anzac Day. They were Battle for Australia Day—the first Wednesday in September—and Merchant Navy Day. I was very happy to support Merchant Navy Day as the fourth service. It was a service that was not seen or acknowledged in the context of those other days, although it was a very important part of the overall war effort. Battle for Australia Day came out of the ex-service community to acknowledge not only the bombing of Darwin but also the events that threatened our very nation after the fall of Singapore. It encompassed a range of events and engagements—naval, air and army—that involved Australian and Allied forces in defence of our region and our country.

I have always been of the view, and it is consistent with the views of many in the ex-service community, that that was the best way to proceed. The bombing of Darwin was a very tragic series of events that I believe is covered best by the Battle for Australia, which covers more than one million Australians who served our country during that time of war.

Debate adjourned.

Taxation

Mr OAKESHOTT (Lyne) (21:12): Before I begin, Mr Deputy Speaker Scott, I wish to acknowledge your former staff member who has faced some tragic events over the weekend. The thoughts of many people are with her and her family.

By leave—I move notice No. 4, as amended, relating to taxation reform, in the terms circulated to honourable members:

That this House:

(1) recognises the need for comprehensive tax reform to maximise the standard of living for Australians for the next 50 years; and

(2) instructs the Treasurer to release a 10 year road-map for comprehensive tax reform as a standalone budget paper as part of the 2012-13 Federal Budget.

There has been considerable movement since the Tax Forum of 4 and 5 October in a number of different areas of tax reform. There is now a working group of the Council of Small Business of Australia and the Australian Taxation Office looking at opportunities to improve administration in taxation. There is also the Business Tax Working Group. It has already met to look at a number of different areas where business taxation can be improved in the current fiscal
environment, particularly the areas of loss carryback and of equity versus debt. There is also the state tax reform planning work going on, led by the Liberal state treasurer of New South Wales, Mike Baird, and the Labor state treasurer of Queensland, Andrew Fraser. There is also work on the progress in ATO governance and some recommendations made by the Inspector-General of Taxation. All of that is good and welcome work, along with the announcements of $1 million a year going into further tax research and also, at some point in the future, a further lifting of the tax-free threshold up to $21,000. But what is desperately needed and called for by many groups, including small business communities and the representative body for the top 100 companies in Australia—the Business Council of Australia—is a 10-year reform agenda, and that is very much what this motion is about. It seeks a direction from the parliament and instructs the Treasurer to bring forward that 10-year road map for comprehensive tax reform.

Some very good work was done by Ken Henry and others in 2009 in this area of comprehensive tax and transfer reform, and many of us who were in the previous parliament were somewhat frustrated that more of those recommendations were not at least publicly debated if not taken up by government. We have seen progress in many areas. Government is responding by saying that it has picked up about 30 of the 130-odd recommendations, but that still leaves a lot of work. Australia does face an unfolding fiscal challenge which, if not addressed, has the potential to bring on fiscal problems within the next 40 years. If all of us want to have, as part of our job description and our brief, the best possible standard of living for our children and grandchildren over the next 40 to 50 years, this is an area where we need to do a lot of work. We currently have an unsustainable tax system, based on issues internationally, relationships between the Commonwealth and state governments, and the demographic profile of Australia with the ageing bubble coming through.

We do need to have a substantial discussion on the back of the Ken Henry reform papers and the tax forum that has taken place. I strongly urge the Treasurer, the executive and the government generally to take up the opportunity to put in place the road map for the next 10 years so that we can have certainty in the marketplace, certainty in policy direction and a sustainable tax system for the future of this country so that business can do what it does best—and that is to do good business—and, more importantly, so that the community has the best possible standard of living, even if at times that involves the unpopular decisions of today.

Ms Owens: I second the motion and reserve my right to speak.

Mr TEHAN (Wannon) (21:18): It is quite ironic that we should be debating this motion which recognises the need for comprehensive tax reform to maximise the standard of living for Australians for the next 50 years when, the last time we were here, we put through the largest, most economy-wide, economy-destroying tax that this nation has ever seen—a tax which, if the Labor Party has its way, will last for 50 years and stand as their legacy. I think what we should be doing is looking at how we can simplify tax, how we can lower tax, how we can provide for fairer tax—but, sadly, I cannot see that happening. I must say that the previous speaker has a very optimistic view of the world, because he called for his summit when the backdrop is that this government, since 2007, has introduced 19
new taxes. If we want to do this seriously, we need to make sure that we have a government in power that is serious about tax reform. It is hard to call the current government serious about tax reform when we have had 19 new taxes introduced since 2007. Of course, one of those taxes is the mother of all taxes: the carbon tax.

I cannot see how we are going to get much achieved by debating this. We have had the Henry tax review. This government undertook a serious tax review and it cost $10 million. And what came of it? Did we get comprehensive tax reform? No, we did not. Did we get any movement to try to get rid of some of those 19 new taxes which have been put in since 2007? No, sadly, we did not. I think we do need to see serious tax reform. We do need to see a road map for the next 10 years and we do need a political party to map out what it wants to see as the tax vision for Australia in the future. But we will not see it from a government which has introduced 19 new taxes since 2007. The penny needs to drop on that. I think it has dropped for the Australian people and they are starting to see that this government will never be serious about tax reform. But if you look at the history of the coalition and what it has achieved, you see the single most important piece of tax reform that this country has seen—the introduction of the GST. We have a record of looking seriously at lowering taxation, of making taxation fairer and of making taxation simpler.

Government members interjecting—

Mr TEHAN: For those members interjecting, that does not include taxes like alcopops tax, a new tax on Australians working overseas, cutting what Australians can put into superannuation tax free, restriction on business losses, changes to employee share schemes, a cigarette tax hike of 25 per cent, mining tax, ethanol tax increases, LPG excise increase and tightening restrictions on medical expenses before you can claim them on tax. That is 10, and we are still counting. There is the increase in the luxury car tax, the impost of a flood levy, the tax increase on company cars, the abolition of the entrepreneurs tax offset, the phasing out of the dependent spouse tax offset, disallowed deductions against government assistance payment, removing miners' eligibility for the low-income tax offset on unearned income, deferral of tax breaks for green buildings and, of course, the last one, No. 19—the tax we were never going to have, the tax which we were told before the last election we would not have, the carbon tax.

So if we are serious about having a proper discussion on tax reform I think we need a change of government, because one side of this parliament has a record of providing for lower, fairer and simpler tax; the other side, sadly, does not. I commend the member for Lyne for having the initiative to talk about taxation; he just needs to do it with a government that will act in the right way.

(Time expired)

Ms OWENS (Parramatta) (21:23): I cannot blame the member for Lyne for being optimistic. I think those of us who were actually at the tax forum walked away with some optimism. It was a genuinely pleasant experience in many ways. It was good to be in a room with so many informed, intelligent people who were genuinely talking about the future of the country. It is something that we do not get to do often enough in this place. We get instead the level of debate we have now, which is more negativity and sniping rather than discussing what should be the tax future of Australia for the benefit of its future citizens.
I do want to talk about the government's history of tax reform. Contrary to the member for Wannon's contribution, it is quite substantial. In the 2008 budget we delivered the first of three rounds of personal income tax cuts, and that was the budget in which we commissioned the Australia's Future Tax System Review. In the 2009 budget, a year later, we announced the secure and sustainable pension reforms which delivered a historic increase in the rate of the pension. It also introduced a new pension work bonus to reward pensioners who do more work, a gradual increase in the age pension from 65 to 67 and strengthened the indexation arrangement so that pensioners are now well over $100 a week better off.

In the following budget, in 2010, we announced the Stronger, Fairer, Simpler package of reforms to get a fairer return on our renewable resources. We also announced then business tax cuts for struggling firms, including a $1 billion small business tax break and a boost to national savings through fairer and more superannuation, and new investments in resource infrastructure. Most recently, our Clean Energy Future package included major reforms which triple the tax-free threshold from $6,000 to $18,000, taking around one million extra Australians out of the tax system and providing greater incentives to return to work.

And we have not exactly been sitting on our hands. In addition to those, we have increased the childcare rebate from 30 per cent to 50 per cent, introduced paid parental leave, increased family tax benefit for teenagers, cut the income test withdrawal rate for single parents with school-age kids by 20 per cent, introduced a more generous youth allowance income test, introduced a $5,000 motor vehicle write-off for small business, improved assistance for R&D through the new R&D tax offset, improved tax treatment for infrastructure investments and replaced the entrepreneurs tax offset with more effective support, such as the instant write-off.

All of this we have managed to do while keeping tax as a share of GDP below the level we inherited. Tax is currently 21.8 per cent of GDP this year, well below the 23.5 per cent we inherited in 2007-08 and the all-time record for the Liberal government of 24.1 per cent set in 2004-05 and 2005-06. So, when the member for Wannon claims that we are the high-taxing government, he should consider that, as a share of GDP, under Labor it is currently close to three per cent less than it was at their high in 2004-05 and 2005-06.

The tax forum discussed the next steps in the tax agenda, and it was a very productive discussion that recognised the patchwork economy and the ageing of the population and looked well into the future at the needs of Australians. We heard a consensus around targeted business tax measures to respond to those pressures. So we have announced a collaborative process to work them up, along with how to fund them from within the business tax system not the personal tax system.

There was also extraordinary progress on state taxes—a very productive discussion in the states session, with the state treasurers committing to develop a plan for state tax reform that provides a time line for harmonisation and the next steps for reform. It was an incredibly productive session.

We also announced that our first priority in personal tax is to go further and not just triple the tax-free threshold but to increase it all the way up to $21,000 as fiscal circumstances allow. We also flagged a number of other issues for early attention, including expanding the options available in the draw-down phase for superannuation and reforming not-for-profit concessions. It was
a wonderful place to be for those few days—

(Time expired)

Mr CRAIG KELLY (Hughes) (21:28): The first clause of this motion, moved by the member for Lyne, states that this House recognises the need for comprehensive tax reform to maximise the standard of living for Australia for the next 50 years. When considering tax reform to maximise the standard of living for Australia, there are a few basic principles that we should keep in mind. Firstly, in today's international marketplace and globally connected world, any tax reform must enhance Australia's international competitiveness, or at the very least avoid burdening Australian companies with taxes that will place them at a competitive disadvantage against their foreign competitors. Secondly, it must encourage investment in Australia. Thirdly, it must be characterised by stability and predictability, and it must reduce red tape. Fourthly, any reform should avoid taxes that eat away at our standard of living. Yet the member who moved this motion is the very same member who held hands with this government to inflict the carbon tax upon our nation and introduced reforms that do the exact opposite of what is needed to maximise the standard of living for all Australians. As the Productivity Commission pointed out, no other nation in the world is engaging in so-called tax reform by imposing—

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! It being 9.30 pm, I propose the question:

That the House do now adjourn.

Bonner Electorate: Community Forums

Mr VASTA (Bonner) (21:30): Since I was re-elected late last year, I have noticed that I have received a big increase in the amount of constituent correspondence compared to when I was in office back in 2007. What this shows is that there is a lot of need in our community, a lot of concern about the direction of our economy and a lot of trepidation about the overall future of our country.

When I talk with people in the community, their biggest complaint is that they feel that they are not being listened to by the present Labor government. Many people also have a lot of questions—not just of me but also of Tony Abbott and other members of his shadow ministerial team—that they want answered and they have suggestions for improvement on how this country is run. That is precisely why I was very happy to have Tony Abbott, the Leader of the Opposition, come to visit Bonner and host a community forum late last month. It gave over 300 Bonner community members the opportunity to ask important questions of a man who is the alternative Prime Minister of this country. When listening to the people talk at this forum it became very apparent that the recurrent theme was their concern for the spiralling cost of living. This concern is further heightened by Labor's impending carbon tax. I want to thank the Leader of the Opposition for coming to Bonner and I want to acknowledge in this House the commitment he demonstrates in travelling all over Australia to talk to real people at community forums like the one he attended in Bonner.

This month I was also fortunate to receive a visit from Senator Fierravanti-Wells, shadow minister for ageing, who hosted an aged-care forum in Carindale last week. The forum had a good mix of providers and members of the public who made it very apparent that the aged-care sector is sick of reviews and is anxious for the government to respond to the Productivity Commission's
report *Caring for older Australians*. I know that many felt reassured after hearing from the senator that the coalition is committed to the delivery of a high-quality, affordable and accessible aged-care scheme that meets the needs and preferences of older Australians.

In addition, I want to thank Sophie Mirabella, shadow minister for innovation, industry and science, who also hosted a manufacturing roundtable in Bonner last week. The roundtable brought together a diverse range of manufacturers based in Bonner who are each facing a variety of pressures. It was a great opportunity to focus on the concerns of local manufacturers and to add further impetus to the policy development process that the coalition is undertaking to address what Paul Howes aptly terms ‘the greatest crisis in manufacturing since the Great Depression’. All roundtable participants agreed that there are simply too many pressures on Australian manufacturing at the moment and that this government must create better economic settings and incentives to help manufacturing businesses to invest, to compete on a level playing field and to grow.

Another colleague I would like to acknowledge is Sussan Ley, shadow minister for employment participation, childcare and early childhood learning, who visited Bonner recently to meet with family day carers who are deeply concerned about the national quality framework changes and what they mean for them. Three carers who between them have had over 50 years of experience in the childcare industry are a great example of how this government is intent on forcing people like them to gain a certificate level qualification in order to keep their job, denying them the acknowledgement and respect they deserve. Their concern is that this will force out of the industry providers who are so committed to the children they care for and who have the most valuable experience of all—something that no classroom learning can impart.

All of these forums gave the Leader of the Opposition, Tony Abbott, and his team the opportunity to hear firsthand the issues that individuals, families and manufacturers are concerned about and, most of all, to hear what needs changing. These community forums would not have been possible without community attendance, and I want to thank all the Bonner constituents who have showed an active interest in the future direction of this country by attending these forums to listen, to have their say and, most importantly, to be heard.

**Royal Life Saving Society of Australia**

Mr GEORGANAS (Hindmarsh) (21:34):

Tonight I will take a few minutes to comment on the very good work done by the Royal Life Saving Society of Australia, RLSSA, in raising awareness and educating Australians to prevent drowning related deaths in Australia. The Royal Life Saving Society of South Australia is based in Cowandilla in my electorate of Hindmarsh and is run by Bob McKenzie, the President, and Eileen, the CE. They do a magnificent job in informing the community, the electorate and all of South Australia on water safety and water awareness.

In the recently released *Royal Life Saving National Drowning Report 2011* it was revealed that 315 people drowned in Australia in the last 12 months. While the statistics in the report have been impacted by the significant and dreadful flash flooding events in Queensland's Lockyer Valley and the widespread flooding across other areas of Queensland, New South Wales and Victoria, the report also highlighted that men are now 3½ times more likely to drown than women, with men aged between 18 and 34 years of age of particular concern.
While progress has been made in areas including backyard pool drowning and family water safety education, the report highlights a significant increase in the number of people in the 55-plus category that are drowning, having increased from 82 deaths in 2008 to 117 deaths in 2011. As a member with over 30 per cent of the constituency in my electorate over 55 years of age, I strongly endorse the Royal Life Saving Society of Australia's efforts to reduce drowning incidents in this and other critical demographics. In addition to extant education campaigns to increase home pool safety and of course the Bronze Medallion water safety program, the Royal Life Saving Society of Australia also offer the Grey Medallion. The Royal Life Saving Society of Australia's Grey Medallion is a water safety and lifesaving skills program for older Australians and encourages a healthy, independent and active lifestyle. It endeavours to teach participants of this particular program a range of personal survival techniques, provide them with skills to deal with an emergency situation and develop confidence and competence to enjoy aquatic exercise and other water based activities safely. 

I strongly believe that the unceasing efforts of the Royal Life Saving Society of Australia to educate Australians, prevent drowning related incidents and promote water safety are commendable, but this latest report provides a reminder to us all that there is still more work to be done, especially to reduce the number of people aged 55 and over drowning, the number of young men aged 18 to 34 drowning and the number of people drowning in inland waterways.

Another initiative of the Royal Life Saving Society of Australia, Swim and Survive, is also worthy of mention. Swim and Survive is a national swimming and water safety initiative of the Royal Life Saving Society that seeks to increase swimming and water safety skills of Australian children in order to prevent drowning and increase participation in safe aquatic activity. Swim and Survive is organised into three programs aimed at educating children from six months to 14 years old, and each program containing separate skill strands that ensure a balanced, comprehensive, instructional approach to children's aquatic education.

Living in Australia, we all enjoy a wide variety of aquatic locations and activities for social reasons and to improve our health and fitness. The Royal Life Saving Society of Australia is working to ensure that the future of our country and our most treasured asset, our children, develop the skills to keep safe in these locations and when performing aquatic activities.

Individuals, the community and all levels of government need to focus on reducing these terrible tragedies which then impact so many people's lives. I urge all members to support the efforts of the Royal Life Saving Society of Australia within their electorates in order to assist the society's CEOs with their commitment to achieve a 50 per cent reduction in drowning related deaths by the year 2020. I would like to reiterate that the Royal Life Saving Society of Australia is performing critical work in the field of public water safety for Australians of all ages in all areas and again I urge all members from all parties to support them. (Time expired)

Qantas

Mr MORRISON (Cook) (21:40): Thousands of shire residents in my electorate are employed by Qantas and thousands more have their jobs on the line, both in the disputes that came to a head last weekend and how Qantas responds to the commercial challenges ahead. It is important we do not
give our community a false sense of security about these issues; rather, we must deal candidly and honestly about what is ahead.

I welcome the fact that Qantas planes are back in the air. However, I am disappointed the government failed to act by refusing the powers they had inserted into the Fair Work Act for this purpose and were unprepared, despite warnings from Qantas that grounding the fleet was a possibility. Had Qantas not implemented their decision to ground the fleet on Saturday, this dispute would be continuing. The government would still be sitting on their hands, the airline would still be bleeding $15 million per week and the economy $100 million per week.

Now that this matter has been brought to a head by Qantas, it must be addressed. Any resolution requires certainty about the future role, structure and business model for Qantas, which is at the core of these disputes. This requires confronting some unpleasant realities about the changes Qantas now seek to make to their business in order to secure their commercial viability for the future and the jobs this will sustain.

I do not welcome these changes. Nor do I believe that Qantas welcome these changes, anymore than they welcomed the difficult decision they had to make last Saturday to ground their fleet. It simply underscores the deep challenges the airline faces and what is at stake if they fail to act.

Qantas international does not compete on a level playing field, yet its revenue is critical for the airline's success. International customers account for 21 per cent of passengers but 50 per cent of passenger revenue. It faces increased competition that has seen market share decline from 35 to 19 per cent in the past 10 years. The successful launch of Jetstar, with its low-cost model, has enabled the group to reclaim eight per cent of this share.

Qantas have overcome serious challenges in recent years: an appreciating dollar, rising fuel costs, the GFC and global events such as SARS and volcanic ash, just to name a few. Yet the business is not getting any easier. A report by Credit Suisse in July noted that 'the main long-term determinant of survival is based on having the lowest cost base'. Qantas's cost base is 20 per cent higher than key competitors, with airlines such as Emirates holding an even greater cost advantage. An analysis of the value of the Qantas group showed the main line had a negative equity of half a billion dollars. This is not sustainable. The key factors identified were the impact of industrial disputes and the market's faith in the ability of the management to deliver on a plan to address the losses of the business.

The changes put forward by Qantas are geared toward making the company's international operations profitable. We may not like them, we may not agree with them, but they must be evaluated against viable alternatives. When Labor began the process of privatising Qantas in 1992, the decision was made for Qantas to compete as a commercial enterprise, not a government airline, subject to the Qantas Sale Act. I note the minister confirmed today Qantas had not breached these conditions in any of their proposals to date.

If the government's wish is to run the airline and second-guess the management, they should buy it back. I am not in favour of such a move, either by design or default. Such default was on show with the collapse of Ansett and across the Tasman when Air New Zealand was bailed out by their government. The devastation of the Ansett collapse is still being felt by my constituents to this day, more than 10 years later. No-one wants to see this repeated—employees, management or the general public.
This imposes a heavy burden on the Qantas board and management to get it right. Acknowledging the challenges Qantas face in reducing their cost base does not provide a blank cheque to marginalise and undermine the brand values of safety, service and reliability that have made the airline great. This is the balance Qantas must get right and will be evaluated against by their shareholders and their customers. If they fail, so will Qantas.

Qantas hold no special guarantee of survival in a highly dynamic and fiercely competitive environment. They have done this for 90 years. Qantas now contributes more than $31 billion to our national economy, including $5.5 billion in national exports, employing almost 33,000 people. For the shire's sake and Australia's sake, they must do this and more for another 90 years. This will be achieved by management and staff responding cooperatively and creatively to the challenges that Qantas face, consistent with the company's longstanding reputation and brand as the spirit of Australia and, indeed, the shire.

**Millennium Development Goals**

Mr LYONS (Bass) (21:44): I rise today in the chamber to talk about the United Nations Millennium Development Goals. Poverty in the developing world goes far beyond income. It means having to walk more than a mile every day simply to collect water and firewood; it means suffering diseases that were eradicated from rich countries decades ago. Every year 11 million children die, most of whom are under five years of age. More than six million people die from completely preventable causes like malaria, diarrhoea and pneumonia. The Millennium Development Goals provide concrete numerical benchmarks for tackling extreme poverty. The MDGs also provide a framework for the entire international community to work together towards a common end—making sure that human development reaches everyone, everywhere. If these goals are achieved, world poverty will be cut in half, tens of millions of lives will be saved and billions more people will have the opportunity to benefit from the global economy.

According to Food4Africa, more than 1.2 billion people, one in every five on earth, survive on less than $1 a day; the top one per cent of the world's richest people earn as much as the poorest 57 per cent; of the approximately six billion people in the world, at least 1.2 billion do not have access to safe drinking water; more than 2.4 billion people do not have proper sanitation facilities; more than 2.2 million people die each year from diseases caused by polluted water and filthy sanitation conditions; and two-thirds of the world's 876 million illiterates are women. For women, poverty has a devastating effect. The United Nations Development Group reports that more than 40 per cent of women in Africa do not have access to basic education. If a girl is educated for six years or more, as an adult her prenatal care, postnatal care and childbirth survival rates will dramatically and consistently improve. Educated mothers immunise their children 50 per cent more often than mothers who are not educated.

Recently, a contingent of constituents in my great electorate of Bass travelled to Canberra to speak to elected representatives about the importance of the Millennium Development Goals and overseas aid. Water and sanitation were the main concerns highlighted in these discussions. I am proud that there are young people in my electorate who are so passionate about the welfare of others. There is also a keen branch in my electorate from RESULTS International who often write and talk to me about the Millennium Development Goals,
microfinance and poverty. Many in the group are fifth-year medical students and very active in the community. I urge and encourage them to keep up their good work.

Earlier this year the Minister for Foreign Affairs, Kevin Rudd, visited my electorate to talk about the report into aid effectiveness. This was a very worthwhile visit and many constituents in my electorate were keen to find out where and how our aid money is being spent and learn about what benefits are coming from it. The eight Millennium Development Goals, which range from halving extreme poverty to halting the spread of HIV-AIDS and providing universal primary education, all by the target date of 2015, form a blueprint agreed to by all the world's countries and all the world's leading development institutions. They have galvanized unprecedented efforts to meet the needs of the world's poorest.

While the share of poor people is declining, the absolute number of poor in South Asia and in sub-Saharan Africa is increasing. Rapid reductions in poverty are not necessarily addressing gender equality and environmental sustainability. Lack of progress in reducing HIV is curtailing improvements in both maternal and child mortality. The expansion of health and education services is not being matched by quality. The UN General Secretary, Ban Ki-moon, has said:

Eradicating extreme poverty continues to be one of the main challenges of our time, and is a major concern of the international community. Ending this scourge will require the combined efforts of all, governments, civil society organizations and the private sector, in the context of a stronger and more effective global partnership for development.

Indeed, we have much to do. There is no doubt that overseas aid plays a major role in alleviating global poverty. I place on record my support for the MDGs. (Time expired)

Clean Energy Finance Corporation
Mr FLETCHER (Bradfield) (21:49):
Recently the government announced the creation of the Clean Energy Finance Corporation, but there is a certain inconsistency in the successive announcements as to what it is actually going to do. On 10 July we were told that it would:
… invest $10 billion in businesses seeking funds to get innovative clean energy proposals and technologies off the ground.

On 18 August, in a media release from the Minister for Innovation, Industry, Science and Research, we were told it would:
… drive innovation through commercial investments in clean energy through loans, loan guarantees and equity investments.

Then, on 12 October, in a media release from the Treasurer, we were told it would:
… overcome capital market barriers that hinder the financing, commercialisation and deployment of renewable energy, energy efficiency and low emissions technologies.

This lack of clarity as to what the $10 billion Clean Energy Finance Corporation is going to do should set alarm bells ringing, and so should the dismal record of these kinds of government directed funds investing in politically favoured areas of industry.

Indeed, when President Obama comes to Australia next month, the Prime Minister and her ministers might like to ask him about Solyndra, a US company which received a US$535 million loan guarantee in 2009 to finance a new photovoltaic solar panel manufacturing facility. When President Obama spoke at the plant in May 2009, he said it would create 1,000 jobs. Vice President Joe Biden said:
These are the jobs that are going to define the 21st Century and the jobs that are going to allow America to compete and to lead like we did in the 20th Century.
Rhetoric, Mr Deputy Speaker, you would agree, surprisingly similar to that which we have heard repeatedly from the Prime Minister and her ministers.

How did the story turn out? I am sorry to say that about six months after these soaring speeches, Solyndra postponed its expansion and US taxpayers ended up on the hook to the tune of US$390.5 million—75 per cent of the loan guarantee. The 1,000 workers never got hired and the company has filed for bankruptcy. This is an object lesson in the perils of politically directed investment. There are some serious warning signals in the materials this government has put out. We were told in the 12 October press release that it is not the intention to directly compete with the private sector; rather to 'act as a catalyst to private investment which is currently not available'. There may well be a very good reason why private investment is currently not available, because private investors have looked at the investments on offer and realised there is a very serious risk of losing their money. Unfortunately, this government does not seem at all troubled by the prospect of losing taxpayers' money if it can get a political win.

There are some very disturbing reminders here of the same sad story of the National Broadband Network, which you would recollect was announced without all of the details having been sorted out. What they then needed to do was to hire private-sector consultants to develop an implementation plan. It turns out that, with the Clean Energy Finance Corporation, this government are up to the same thing, because if you look at the press release of 12 October you learn that one of the things that they are presently working on is an implementation plan. The reality is that this government seem to think that it is not real money anyway. They have a fabulous accounting trick to keep the $10 billion off the budget bottom line. Earlier this month, Finance Minister Wong put out a media release in which she quoted the words of one Department of Finance and Deregulation official at Senate estimates who said:

To the extent to which the Clean Energy Finance Corporation is undertaking investments, and that is the government's policy, then the majority of its activities will not impact on the budget bottom line.

By 'budget bottom line' he meant the underlying cash balance—the headline number normally quoted. For example, when he promises a $3.5 billion surplus next year, the Treasurer is referring to the underlying cash balance.

There are two possible explanations for what is going on here. One is that this accounting treatment is well justified, because the $10 billion to be spent on the corporation is investment money designed to secure a financial return, which is the relevant accounting test. Of course, another explanation—and I would suggest this is the better one—is that the government was forced to agree to this by the Greens. It does not have the money to spend, it has bodgied up the accounting treatment so as to hide the true impact of this on the budget bottom line and the Clean Energy Finance Corporation shows every sign of being a substantial waste of taxpayers' money. Because the government knows that, it is desperate to try to keep the true impact off the budget. All Australian taxpayers should be very concerned. (Time expired)

Coptic Christians in Egypt

Mr ZAPPIA (Makin) (21:54): I take this opportunity to speak about the continuous stream of reports about the persecution of Coptic Christians in Egypt. This matter was the subject of a private member's motion introduced into the House by the member for Hughes on 19 September this year and, I
believe, unanimously agreed to by the House on 13 October. At the time, I was unable to speak in the debate, but I take this opportunity to comment on the issue.

I understand that since around 600 AD the Muslim faith has gradually become dominant in Egypt and today Coptic Christians represent about 10 per cent of the population. Of course, even those figures may be questionable as it is claimed that some people will not declare their faith for fear of persecution. Some have even referred to the change as a form of ethnic cleansing and an act of apartheid. Whilst it was hoped that the overthrow of the Mubarak regime would bring an end to the violence, that clearly has not been the case. Whether Egyptian governments are simply unable to bring an end to the violence or are unwilling to do so is not clear. What is clear is that reports of violence, atrocities, discrimination and murder are becoming all too frequent.

On 1 January this year, a car bomb exploded in front of a Coptic orthodox church in Alexandria, killing 21 people and injuring dozens more. The explosion occurred a few minutes after midnight as the church's congregation were leaving a New Year's church service. In March, a church in Soq was set on fire by a group of Muslim males reportedly upset that a Muslim woman had become romantically involved with a Christian man. As a result, many Copts left the village in fear. Little more than one month later, in April, sectarian violence flared in a town 260 kilometres south of Cairo in response to the death of two Muslims. It was reported that an elderly Coptic lady was thrown off her second-floor balcony and many others were hospitalised. Shops, businesses and livestock known to be owned by Copts were targeted and pillaged. There were further violent clashes in May in Giza that left 15 dead, both Copts and Muslims, and many more injured. The local church was set on fire. Not long after, Copts in Maspero, a suburb of Cairo, were attacked during protests and one person died.

Religious intolerance is not acceptable in Australia and nor should it be when it occurs in other countries, particularly when it results in people being discriminated, persecuted and violated. Many people feel as strongly about their religion as they do about their nationality. I know that many Australians of Christian faith are extremely upset by the reports coming out of Egypt about the plight of Coptic Christians there, as is Australia's Coptic Christian community. If we believe that fairness, tolerance and equality are inherent values of Australian culture, then we should uphold those values not only here in Australia but in our participation and stance on international affairs.

For that reason, on 6 July this year I wrote to the Minister for Foreign Affairs, the Hon. Kevin Rudd, drawing his attention to concerns that had been raised with me about events relating to Coptic Christians in Egypt. The minister, to his credit and to that of the Australian government, had been closely monitoring the situation in Egypt and had been forthright in expressing the Australian government's concerns for Egypt's Coptic Christian community, both publicly and in diplomatic exchanges. Amongst the numerous actions taken by the government, Foreign Minister Rudd had raised the issue with the Egyptian government in his visits to Egypt in December 2010 and February 2011. Both Foreign Minister Rudd and Immigration Minister Chris Bowen had also met with Bishop Suriel of the Coptic Orthodox Church Diocese of Melbourne and Affiliated Regions, here in Australia, in February this year to discuss the issue. Importantly, the immigration minister has advised that individual assessments of visa applications made on humanitarian grounds
by Coptic Christians will be made on a case-by-case basis.

However, it is of concern that reports of persecution of Coptic Christians continue to emerge from Egypt. On Friday, 4 November—that is, this Friday coming—a special prayer service will be held at the St Mary and Anba Bishoy Coptic Orthodox Church in the electorate of the member for Hindmarsh. I hope to join the member for Hindmarsh at that service.

I take this opportunity to commend the member for Hughes for the motion that was supported by this House on 13 October. I reiterate two parts of that motion which I certainly endorse. The motion stated:

That this House:

… … …

(2) condemns the recent attacks on Coptic Christians in Egypt;

(3) expresses its sympathy for Coptic Christians who have been victims of recent attacks in Egypt …

I take this opportunity to endorse those remarks.

Brisbane Electorate: Home Insulation Program

Ms GAMBARO (Brisbane) (21:59): It is with much concern that I rise to speak tonight on issues that continue to plague my electorate and continue to be the hallmark of this government's incompetence and waste. Firstly, the Home Insulation Program administered by the Department of Climate Change and Energy Efficiency since 2008 has been, and still is, an absolutely appalling project that not only wasted $3.9 billion but also cost Australian lives. The frustration and anger that many constituents in suburbs like Windsor and Newmarket are feeling is absolutely unbelievable. Unfortunately, the fact that the Labor government devised such a poor program was very predictable.

One of my constituents, Mr Mark Squires, had his home insulation installed in 2008 when the program started. The Australian people have discovered since that the program was really out there to help unlicensed shonky dealers, with much of the so-called economic stimulus going offshore to foreign producers of pink batts. After the Labor government finally admitted the failures of the scheme, the Labor government terminated it prematurely on 19 February 2010. It has been more than a year and a half since the government began the Home Insulation Safety Program, and the incompetence of the scheme continues. Mr Squires has had four insulation inspection appointments with the department scheduled since February 2010. These appointments have not even been cancelled in advance; the inspectors just do not even bother to turn up. As Mr Squires has said, this is an absolute joke. The projected end of the home insulation remediation program is, according to the government, supposed to be at the end of 2011. The next appointment for Mr Squires is scheduled for 17 December 2011. I look forward to hearing from the Minister for Climate Change and Energy Efficiency about whether inspectors will finally make it to this constituent's home.

On top of this I have had residents from Stafford, who in 2009 contacted the environment minister, citing safety concerns regarding home insulation. To this date, despite one insulation inspection in 2010, nobody from the department has even bothered to remove the foil insulation, and on 2 September this year an inspection was planned for 8 am, but—have a guess—nobody turned up or attempted to schedule another appointment.
Secondly, the Office of the Renewable Energy Regulator has recently announced that more than 80,000 solar rooftop devices may have been installed to a substandard and defective level. Just as with the Home Insulation Program, shonky operators are flooding the market, and it is even believed that some who were registered foil installers may be finding a new avenue for their business. Reputable companies from the sector warned the government at Senate estimates last year about the potential for substandard products and installation. I would really like an explanation from the Minister for Climate Change and Energy Efficiency regarding the administration of this program. Why were appropriate safeguards not implemented, given that it has cost constituents in my electorate thousands of dollars?

One such constituent is Karen Davis. She genuinely wanted to do her bit to help the environment. She placed an order for 21 solar panels and a five-kilowatt inverter in February 2011 with a company called Cleaner Energy. After that, everything that could have gone wrong did go wrong. It took Cleaner Energy until June to install the solar panels after promising to do so for months. Ms Davis arrived home one day to find that the contractors had placed them on the wrong side of the roof. A couple of weeks after that, the 5-kilowatt inverter fell off. Then—this is the best part—she received her electricity bill, to discover that it had increased by $1,000 over her previous account because the solar panels had not been connected to the grid. As Ms Davis said, 'It is now almost November and I have a solar system worth over $20,000 sitting on my roof as a white elephant.'

I have written to the Minister for Climate Change and Energy Efficiency requesting information on what the government is going to do to rectify the mistakes in designing and administering this program, and I look forward to his response. These problems were clearly identifiable before the programs began. So long as we have a Labor government running this country, I expect to see many more of these sorts of disasters. In 2007, the Labor government inherited a $20 billion surplus with zero net debt. As a consequence of their incompetence, the Commonwealth government's net debt will now be more than $100 billion, and as a result of their incompetence they ran two programs—the Home Insulation Program and the solar rebate scheme—

Mr Danby: I bet you were at every BER opening!

Ms GAMBARO: that were exploited by rip-off merchants, wasting billions of dollars and frustrating many Australians. (Time expired)

Melbourne Brain Centre

Mr DANBY (Melbourne Ports) (22:05): I am sorry, Mr Speaker, I got a bit excited by the member's presentation there.

On 17 October I represented the Minister for Health and Ageing, Nicola Roxon, at the opening of the Melbourne Brain Centre, a new research facility that will provide hope for millions of Australians and people around the world who live with a neurological disorder. I was able to open this new facility, located at Melbourne University's Parkville campus, with the Victorian Premier, Ted Baillieu. The facility completes three facilities which make up the Melbourne Brain Centre. The Austin Hospital and the Centre for Translational Neuroscience at Royal Melbourne Hospital are the other two facilities that make up the centre.

The Melbourne Brain Centre is the biggest brain research centre in the southern hemisphere. The centre brings together 700 staff to support research into the causes,
prevention and treatment of neurological disorders in state-of-the-art laboratories. The vital work done in these facilities will shed new light on common degenerative brain disorders such as Alzheimer's disease and Parkinson's disease. This centre was made possible because of the Gillard government's $5 billion Health and Hospitals Fund, the Victorian government and generous donations by philanthropists, particularly from the Potter family and the Myer family.

This investment is a testament to the Minister for Health and Ageing and the Gillard government. Our overall investment in health in Australia is the largest our nation has seen since Medicare. For the first time, neuroscientists and neurologists from across Melbourne and around Australia will be able to join forces to improve diagnosis and treatment for people with brain disorders. As Australia's population ages, the need to combat these terrible diseases will become more and more pressing. Already the burden of brain and mind disease currently accounts for 25 per cent of the disability adjusted life years for Australians. For this reason, neurological disorders are a growing priority for Australian government-funded medical research, with almost $400 million allocated by the National Health and Medical Research Council. The brain centre will achieve this goal, translating more rapid advances in knowledge into better patient care and better health outcomes. The Australian government contributed two tranches of approximately $38 million towards the centres at the Royal Melbourne Hospital in Parkville and at Austin Health. The state government contributed $56 million, the Potter family $15 million and the Myer family, ably represented by Rupert Myer, a further $8 million. The centre is named after Rupert's late father, Ken Myer, who always had an interest in biological science issues.

I am very pleased to say, as I did when I was opening the centre, that the massive investment by state and federal governments, together with this generosity through private philanthropy, keeps that edge in Victoria in medical research which so distinguishes our city. I am very proud of the fact that there are so many places in Melbourne that distinguish themselves not only throughout all of Australia but throughout all of the world. It is one of the leading cities for medical research, and I think this national brain centre is going to make a very valuable contribution towards that. As the Minister for Health and Ageing has said, we are committed to ensuring that Australia's medical and health research institutes and our best and brightest researchers have sufficient support and financial assistance to continue to work at the forefront of their fields.

I commend the federal government, the Minister for Health and Ageing and the Victorian Liberal state government. Mr Baillieu was very generous in his commendation of former Premier Brumby, for whom this was a particular issue. All state governments, including both the previous Labor Brumby and Bracks governments, have had a very strong concentration on Melbourne continuing to maintain this excellence in medical research. The opening of the Melbourne Brain Centre at the University of Melbourne in Parkville will help keep that cutting edge that Melbourne has in medical research.

**Hasluck Electorate: Green Map**

**Mr WYATT (Hasluck) (22:09):** I rise this evening to talk about my efforts to engage the community and its stakeholders on the importance of our local environment. Earlier this month I launched Hasluck's 'green map', which outlines the ecological corridors, regional parks, Bush Forever sites
and wetlands that exist within Hasluck. The A3 poster was mailed out to every home in the electorate, which means over 53,000 homes received the map, and it lists the various friends of the environment groups that are already in existence.

If people wish to become active in their local area to protect the environment, they can use the details provided to contact their council and become more involved. Hasluck's green map is also linked to a Facebook page, which gives residents an opportunity to learn more about the local environment and find more ways to get involved in their local area. It is also a resource for local environmental groups to advertise their upcoming environmental initiatives and events.

I was fortunate enough to welcome the shadow minister for the environment, the Hon. Greg Hunt MP, to Hasluck to assist with the launch, which took place at Men of the Trees in Hazelmere. Men of the Trees is a unique Western Australian organisation that was founded in 1979 and has since planted over 11 million seedlings to prevent the spread of deserts, erosion and salinity. The shadow minister used the launch to commit half a million seedlings to the Men of the Trees should the coalition win the next election.

I was motivated to create a green map of my electorate for several reasons. Principally, every person I met expressed some concern for their local environment and how it is treated: the trees that are cut down or the pollution that finds its way into our rivers. I invited some of these people who are actively involved in their local ecosystems to travel with me and Greg Hunt on a bus tour of the green map. We attended several key locations in my electorate that are each examples of how direct action benefits the environment.

The first stop was Lesmurdie Senior High School to meet the principal, Keith Svendsen, and tour the school's environmental initiatives such as freshwater collection tanks and the bushland it wishes to protect at the school. The bus then stopped at All Earth Group in Maddington, a company that recycles building waste, takes out the metal, rubble and tyres, sells this material on and creates soils and road base for commercial and private use. So impressive was the set-up at All Earth Group that the Leader of the Opposition, Mr Tony Abbott MP, came out to visit himself when he was in Perth for CHOGM.

After that stop we met with the Friends of Brixton Street Wetlands and SERCUL. The Brixton Street Wetlands are one of Western Australia's most important ecological sites. The final stop for the bus was the Lower Helena Association. This group has been working with the local developers to ensure that the natural environment is not only protected during development but has thrived under the care of this group.

Since Hasluck's green map found its way into people's letterboxes on the weekend, I have received numerous phone calls from people asking how they can get involved in their local environment or how to go about setting up their own friends of the environment group. I welcome these efforts and the wider attempts to improve the environment in Hasluck by actually getting out there and making a difference instead of just talking about it. 'Facta, non verba' is the Latin phrase for 'Deeds, not words', and it is one that guides me in my role as a parliamentarian.

The coalition and I will always support people in their efforts to get involved and physically make a difference to their environment. This sort of direct action must be supported. Organisations involved in the
creation of Hasluck's green map include Perth Region NRM, the Perth Biodiversity Project, Friends of the Environment, the South East Regional Centre for Urban Landcare, the Nature Reserves Preservation Group, the Shire of Kalamunda, the City of Gosnells and the City of Swan. For more information on all of these great organisations I encourage people to visit http://www.facebook.com/hasluck.greenmap.

I would like to thank all of those organisations for contributing to the production of Hasluck's green map. This initiative will produce real and lasting results for the environment in my electorate. I salute all of those who have been involved in this initiative for their constant efforts to protect what is ours for the future. I encourage people to think and act locally for tomorrow so that they leave their children and future generations of those who live within Hasluck an environment that can be enjoyed and wetlands. Mr Speaker, I know we do not use props, but I just want to show the chamber that the green map of Hasluck does in fact show those very key areas that are important within the environment.

National Disability Insurance Scheme

Ms SMYTH (La Trobe) (22:14): Working towards the introduction of Labor's National Disability Insurance Scheme is one of the most important things that I will do as a member of parliament. In the short time available to me tonight I want to share the stories of two residents in my electorate who have experienced disability at different stages of their lives. Both are men with fierce intellects and a fierce desire for independence. Both have a powerful determination to look after their families in whatever way they can. But their words speak with far more eloquence than mine can, so allow me to share them.

Adam Cope is 38 and has lived with disability all his life. His parents, Les and Peta, are strong people, compassionate and devoted to their family. Here is what Adam says:

With an NDIS I could be far more independent and secure. What the name implies is insurance, but the 'I' means much more than that. For me the 'I' means independence, integration and involvement.

Living each day is full of stress for my parents and myself. Not knowing if tomorrow my mum and dad would still be here to continue to support me is the worst feeling. The fact that this will at sometime occur is really driving me fearful with worry and anger.

The current system provides minimum support and relies on parents, family and charity models to enable me to have a life. The NDIS would give me a means to have hope and be supported to do what I want to do. It would also let mum and dad off the hook and they could then have a life. After 38 years I think they deserve it.

Adam goes on to say that the areas he needs support with include 'communication, dressing, toileting and all aspects of daily living'. He says:

I cannot go anywhere without someone to assist me. My interests include writing and creating art. At the moment mum and dad support me to do this and their skills in these areas need to be transferred to others before they leave this world. The NDIS would enable my personal plan, to live with support in my own place, to become reality. Paying for support people and assisting me to live where I want to and with whom I want to.

For years people with disabilities have been placed into the too hard basket. Locked out of life's joys and treated as oddities by society and government. For too long we had to take it and just be happy that we get anything at all. Society now has a chance to make amends and get behind the NDIS.

Nick Wurf lives in a suburb of my electorate called The Basin. Nick is 42 and has worked since he was 16. He is married with two daughters and has a granddaughter on the
way. He has been diagnosed with bipolar disorder. That occurred around 10 years ago. He has suffered its effects all his adult life, and he now faces multiple sclerosis. Nick says:

This resulted in a need to stop work some 12 months ago and the introduction of a wheelchair and many other aids to my life.

My query to anyone who will listen is why is my wife's life being stripped of the things we have strived for over the last 10 years? This is a woman who gets up at 6 am to get my day started, works 8 to 9 hours a day in an office. She then comes home to take over from my daughters in caring for me and complete the normal chores that most partners would usually share.

She pours her below average wage into my medications, incontinence aids and specialized equipment to make my life easier. She pays our mortgage and household expenses. Add my $254 a month pension and there is little if anything left for basics, let alone for her, the one doing all the work.

When I’m gone and all our resources have been depleted, where does she find herself? Without our home, most likely, perhaps after some years on a carers pension having had to give up her job to care for me? No assets to assist her in that time of grief.

…… …

I accept my lot in life, I don't however accept the inequities that are being forced on my wife and children. The only thing they did wrong was support me, care for me and love me. I haven't just lost the lotto game of health, my family have had to pay for the ticket.

Nick, needless to say, is a very keen supporter of the NDIS and has made that very clear to me on the occasions when I have spoken to him. As a member of this place I am committed to ensuring that those who are affected by disability can achieve all that they can aspire to and that they and their carers are supported to enable this.

These are just two stories. When it comes to the NDIS there are tens or perhaps hundreds of thousands of stories precisely like these. For me the NDIS is about much more than support; it is about giving independence to the articulate, passionate and determined men, women and children who face disability each day together with their carers, their families and their friends. I commend Nick and Adam particularly for providing me and this House with their words this evening.

**Building the Education Revolution Program**

**Mr RANDALL** (Canning) (22:19): I would like to raise the issue of three Building the Education Revolution projects in my electorate of Canning. These are at the Ocean Road Primary School in Dawesville, Glencoe Primary School in Halls Head and Falcon Primary School in Wannanup. Before I proceed I would like to say as a member of this parliament that infrastructure into the schools as part of the stimulus package was something that I think was quite admirable. It has been popularly received, and the schools are very happy with the results. Unlike the eastern seaboard, where there were many cost blow-outs and rorts, Western Australia has managed the BER quite well and the schools are very happy with the outcomes.

But these three schools have approached me in one way or another or I have found information about them because, having commenced these projects two years ago, these schools are still left in limbo. Ocean Road Primary School is still surrounded by builders' fences. The early learning child centre playground has not started. There are still piles of sand and construction rubbish around the school. Landscaping has not been started. Staff, students and parents are astonished by the delays. No-one has got any answers, and the principal, Mr Dean Finlay, is quite frustrated about being unable to get
this project completed in this school and have the children shift into these facilities.

At Glencoe Primary School their new covered assembly area with a music and art block was due to be completed in November 2010. The early learning centre was to be finished by 27 October 2010. Neither building is completely finished, the landscaping has not been started and the sand and rubble still surround these classrooms. A new playground was built for the pre-primary students that they thoroughly enjoyed for a brief moment before a shade cover was built on top and then deemed to be unsafe because of pegs et cetera that were sticking out. The playground was immediately fenced off until the builders could return to make it safe for the children's use. Four months later the kids are still walking past their brand-new playground and still cannot use it. They can look but not touch.

At Falcon Primary School they moved into the new BER building in September, but there are still holes in the walls. There are electrical sockets hanging from the ceiling. There are no concrete pathways through the building site to their classroom yet. This is a huge danger to the students, the staff and the parents. Building fences are still up around the school and these obstacles are unattractive. It is incredible that between the builder, the architect and the education department no-one can finish these buildings or tell the principals what is actually going on. Not only are the parents disappointed at the current state of their children's schools but the kids are being denied the classrooms and facilities that were promised months ago.

I have written to the Minister for School Education, Early Childhood and Youth, the Hon. Peter Garrett, to find out when these schools can expect the upgrades to be completed, why they are taking so long to be completed and who is responsible for the delays. I have also asked the minister to provide us with the final costs and why there is a blow-out in the costs. I have had indications from Byford Primary School in my electorate that there were delays because they found a well underneath one of the construction areas, and it had to be delayed because there were consultants and others brought in.

The concept of the BER in providing educational facilities to students in schools is admirable but, dare I say it, this is the same minister who was responsible for issues that surrounded the pink batts, which we know resulted in fires and four deaths. This is the minister who is administering the BER projects around this country. Trying to get answers from this minister and his department is unbelievable. This is the same minister from whom I cannot get a response about a chaplain in a school where there have been deaths of two children. We need the minister to come up with a chaplain for this school because they have begged him to do so.

I have written the minister a letter and asked for the responses. I have also asked the minister to not only respond to me but respond to the principals, the parents and the students of the schools. They can then use the facilities, which the taxpayers' money was designed for, to benefit the populations of these schools. As a result, I am going to pursue this issue unless I can get a decent answer.

Hunter Electorate: Rail Infrastructure

Mr FITZGIBBON (Hunter—Chief Government Whip) (22:24): One of the proudest boasts of the Labor government is a $1.2 billion investment in the third track project in the Hunter Valley, which will expand rail capacity in the Hunter Valley Coal Chain, which will allow coal to get to
the port of Newcastle more quickly and more efficiently. Amongst other things it will reduce the conflict between passenger rail and coal rail traffic. It is a wonderful thing for the valley, it has huge economic and employment prospects and it is something we all support. I certainly appreciate the investment by this government. Of course, with progress and additional movement always come problems. Along the coal chain I have a number of people who have been adversely affected by that project, and I have raised these issues with the minister and indeed with the Australian Rail Track Corporation.

Tonight I want to focus on the people who live in the Telarah and Rutherford areas in my electorate and, more specifically, those who live in Elizabeth Street, Telarah. These are people who have lived beside a railway track for many, many years and in some cases for decades. It has a rail track that only carried a small amount of traffic, partly coal, but mainly passenger rail traffic. Today, of course, as the port expands and coal production increases more and more coal trains are using the track. People who live in Telarah and Rutherford are experiencing more trains, more noise, more vibration and more dust.

Because they do not live in an area where the third track is being laid—in other words, because the expansion of the track is not occurring in their specific area—they are not considered by the ARTC to be people affected by the expansion of the rail line and therefore by the project. In other words, if you live up the track where the expansion is taking place then you might be compensated in some way, but if you live further down the track where the rail line is not being expanded then you are not compensated. That seems fair enough on face value but, of course, even though the rail track is not being expanded in Rutherford and Telarah, there are a lot more trains going past as a result of the expansion further up the line. Therefore, people in that part of the world are being adversely affected.

I have written to the ARTC and to the minister and I am not satisfied with the responses I have received. They quote the relevant legislation and the constraints they face such as the environmental approvals. They say that they have done things further up the track but, as they are not developing in Telarah and Rutherford, they do not have any legal obligation. As they are a wholly owned government entity, I think there is an obligation.

If people in Rutherford and Telarah, who live right beside the track, are experiencing more movement, more noise, more vibration and more dust, they deserve consideration as well. I do not think it is good enough for the ARTC to say that because they are not developing in that area they do not have a responsibility. As I said, for a wholly government-owned entity, there is a responsibility. The ARTC has a moral obligation to act as the equivalent of a model litigant and an obligation to take care of those people who are obviously adversely affected by this project.

The people in Telarah are not asking for much. They just want a few noise barriers built along the track. Some of these people are living, almost, right on top of the rail line. It is a much busier rail line than it once was. Some will say that the people chose to build or buy right alongside a rail line, which is true, but the rail line they built or bought beside was one which was much less busy than the one they now live beside.

The extra load is being driven by the coalmining industry. The coalmining industry and the ARTC are profiting from this. I think it would be more than appropriate for the ARTC to find a way,
even though it is not legally obligated, to spend a bit of money and invest in noise amelioration in the Rutherford and Telarah areas to give those residents a bit of relief.

**Riverina Electorate: Horse Racing**

Mr McCORMACK (Riverina) (22:29): I would like to congratulate and wish all the very best to Scott Sanbrook, the new Chief Executive Officer of Wagga Wagga's Murrumbidgee Turf Club. I also congratulate Tim Clark, who was raised in Young and started his riding career at Leeton, who will ride Older Than Time, No. 24, the bottom weight, in the Melbourne Cup tomorrow. Hopefully, that might well become Gai Waterhouse's first Melbourne Cup winner. How appropriate it would be for the horse to be ridden by a Riverina jockey!

The SPEAKER: Order! It being 10.30 pm, the debate is interrupted.

House adjourned at 22:30
The DEPUTY SPEAKER (Hon. Peter Slipper) took the chair at 10:30.

CONSTITUENCY STATEMENTS

Solomon Electorate: Health Services

Mrs GRIGGS (Solomon) (10:30): I rise this morning to speak on a very important issue in my electorate. On 12 October 2011 Minister Roxon issued a media statement, which I am sure she was hoping was going to go unnoticed. The reason is that it was another Labor broken election promise.

As we already know, the Gillard Labor government broke its biggest election promise with the carbon tax when it was introduced and passed through the House of Representatives, despite the Prime Minister saying five days before the election:

There will be no carbon tax under the government I lead.

We all know that this government has an integrity issue, which was further demonstrated by Minister Roxon dumping the promised GP superclinic for Darwin's northern suburbs. While it is no secret that I did not support the proposed GP superclinic, I believe the $5 million should be used to expand and improve current health services for Darwin and Palmerston residents.

This is the sentiment that the Northern Territory parliament shares with me. How do I know this? Well, it passed a motion that the $5 million not be used for a GP superclinic but rather be used to improve medical services, including getting more doctors in the Territory. I call on the Henderson Labor government to stand up to the Gillard Labor government with me and demand that the promised $5 million be quarantined for use in the Territory for new programs that will expand and improve health services for the people of Solomon. Shadow minister Peter Dutton and I recently met with a number of organisations that also support the $5 million being quarantined for use in the Territory, further noting that it must be used for new programs.

It is interesting that Minister Roxon had known since July that there were no applications for the GP superclinic in Darwin's northern suburbs, but waited until carbon tax day, or as some might call it 'Australia's betrayal day', to make the announcement. It is the Gillard Labor government's responsibility to deliver on these promises. I remind both Minister Roxon and Territory Labor members that this commitment is a Labor election promise and it is up to Labor to deliver on its promise. The Prime Minister said that she will honour all Labor election promises. With that said, the Gillard Labor government must honour the $5 million commitment made by Minister Roxon and the former Labor member for Solomon.

I did not support the proposed GP superclinic. I support investment in existing services to improve and expand them. Let us remember that I am a member of the opposition and it is my job to hold the Gillard Labor government to account. That is exactly what I am going to do, and that is what my electorate expects of me. They want me to demand that Minister Roxon honour her commitment of $5 million so it can be used to develop, expand and improve existing medical services for Darwin and Palmerston residents.

I have asked for a meeting with the minister to discuss funding options, and to date there has been no response from her office, which is very disappointing. What medically deprived areas need is more doctors, not just buildings. New buildings are great but if they are not well...
staffed what is the point? Too many of our GP superclinics have been a terrible disappointment when it comes to actually getting more health services into local areas.

**Windale Community Information and Assistance Expo**

Ms HALL (Shortland—Government Whip) (10:33): Last Tuesday, 24 October, I held a pioneering expo in Windale. The community information and assistance expo was a huge success. The purpose of this expo was to provide people in an area with a high level of unemployment and a high number of people on some sort of Centrelink payment with opportunities to learn about jobs, to link to communities, to obtain their birth certificates and to deal with issues such as fines they may have incurred. This expo attracted more than 50 different groups: employers, government agencies and training and community services providers. It was a really positive day, and I would like to thank the many people involved, because it is a very important issue.

The expo addressed local employment needs in the Windale-Gateshead area and provided on-the-ground local support for people to engage in education, training and employment. It brought job opportunities and government services directly to the community so that local people could access a broad range of support and employment services within their community—remembering that this is a very disadvantaged community. So it was about taking those services to the people in that community and helping them link up with those services. People could also access important information about Medicare, Centrelink and tax matters. The presence of the Windale Men's Shed was noted, and they provided assistance to people. We had Jeff Fenech and New South Wales Swifts Susan Pratley and Kristy Durheim on hand to help out and speak to people.

I would like to acknowledge that the state member for Charlestown, who is of the opposite political persuasion to me, supported the event. I would like to thank everyone who was involved, including my staff; Centrelink; the Department of Employment, Education and Workplace Relations; the Department of Premier and Cabinet; the Department of Education and Communities; the Lake Macquarie City Council; Career Links; and the WICA group, which is a community organisation within the Windale community, who drove the activities of the day. I would also like to thank the Newcastle Skate manager, JobQuest and Keep Australia Working, just to name a few of the organisations that were involved. I thank everybody, because the result of the day was that people from a very disadvantaged community were able to connect with the services that they will need to find employment. 

(Time expired)

**Longman Electorate: Disability Services**

WYATT ROY (Longman) (10:37): Reform of the disability sector is something that I have been passionate about for a long time. Growing up alongside a friend who suffers from spinal muscular atrophy I saw first-hand the failings of the disability sector and the urgent need for practical action to improve this—the urgent need for a system that is less bureaucratic, recognises need and empowers individuals.

So when I heard about Justin Jackson, a 19-year-old university student from my electorate who suffers from cerebral palsy, I was able to empathise with the difficult situation he and his family found themselves in, trying to access the essential care that Justin needs. Justin is an industrious legal studies student who, like any young person, has goals and plans for his life.
In order for Justin to maintain independence in his declining condition, he needs a specialised wheelchair to accommodate his spine and to take the strain off his body. Justin's condition does not allow him to easily participate in family activities, and it is nearly impossible for him to walk even a short distance on crutches. A specialised wheelchair is essential. Yet, after months of inquiries with the state department, Justin was told that there was no assistance available to him for the type of wheelchair he desperately needs. At 19 years of age, Justin falls through the cracks of a disability system that is overly bureaucratic and does not recognise need. He is not eligible for the support that an 18-year-old would be eligible for, and his condition is not considered to be severe enough to warrant the support that someone older might be eligible for. The longer Justin struggles without a wheelchair, the faster his health declines and the less independence he has. Like many in my electorate, Justin's family are just not in a position to be able to fund a custom designed wheelchair suitable for his needs.

After months of uncertainty, and out of desperation and frustration with a broken system, Justin's mother approached me for help. The good news is that, after three hours and a series of phone calls, some very generous individuals in our local community dug deep to bridge the gap left by the government in this area, and they raised the money needed to give Justin his wheelchair. This was a fantastic example of the community coming together to support those in need. Those suffering disabilities are made to jump through a series of bureaucratic hoops, and often, after that long, drawn-out process of jumping through those hoops, many are still not able to get the help that they so desperately need, leaving families and individuals feeling desperate and without hope for the future.

Unfortunately, Justin's story is not uncommon. That is why the coalition support, in principle, a national disability insurance scheme—a system that would empower individuals with the choices that they rightly deserve, a system that would offer a hand-up rather than a handout. The coalition welcome discussion and action on the disability sector. I do not want to see others like Justin have to struggle to get the care that they so rightly deserve.

**Braddon Electorate: Local Council Elections**

*Mr SIDEBOTTOM (Braddon) (10:39):* I am very glad that everyone managed to get here despite the debacle presented to us. Recently in my electorate we have had local council elections, and I want to thank everybody who had the courage to stand for election. We in this place know the pressure that that brings. I want to thank all those who have retired, commiserate with those who did not get elected and congratulate all those who were successful.

In Latrobe, on the eastern end of my province, Mayor Michael Gaffney has been returned, along with Dayna Dennison, Peter Freshney, John Perkins, Rick Rocklifff and Garry Sims, and I congratulate them. With regard to the Devonport City Council, I thank Lynn Laycock for the excellent work she has done as mayor and congratulate Steve Martin as the new mayor. I also congratulate Grant Goodwin, Alison Jarman, Lynn Laycock, Annette Rockliff, Warren Squibb and Bill Wilson on being elected. With regard to the Central Coast Council, which is my municipality, I congratulate Jan Bond on being reelected unopposed and Cheryl Fuller on being elected deputy mayor. I also congratulate John Bloomfield, Lionel Bond, my staffer Shane Broad, Kath Downie and Rowen Tongs.
With regard to Burnie, I thank Alvwyn Boyd for the tremendous job he did as mayor and Steve Kons for his success in being elected as mayor. I also congratulate Jim Altimira, Ron Blake, Alvwyn Boyd and Steve Green on being elected. With regard to Waratah-Wynyard, I congratulate Robbie Walsh on being reelected unopposed and also Gary Bramich, Kevin Deakin, Alwyn Friedersdorff, David Moore and St John Smith on being elected. In Circular Head, I congratulate Daryl Quilliam on being reelected unopposed and also John Oldaker, Ashley Popowski, Trevor Spinks and Jan Bishop. With regard to the West Coast Council, I congratulate Darryl Gerrity on being reelected as mayor. I also congratulate Samantha Eley, Al Medwin and Lyn O'Grady on being elected. As for beautiful King Island, I thank Charles Arnold for his excellent job as mayor and congratulate Greg Barratt on being successfully elected as the new mayor. I also congratulate Charles Arnold, Greg Barratt, Roysa Conley and Sally Haneveer. Finally, but not least, with regard to the Kentish municipality, I congratulate Don Thwaites on being reelected as mayor, as well as Peter Campbell, Cait Clarke, Penny Lane and Annie Willock.

My congratulations go to everyone. Again, I thank everyone who stood and I thank those who have served in the past and have retired. I congratulate those who have been elected for the first time, including Shane Broad from my office. I know he will do a fantastic job in my constituency—and he had better fix the footpaths in my local village if he wants to keep his job. Congratulations to everyone and commiserations to those who missed out.

**Byrne, Mr John**

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (10:43): On 20 September, Bundaberg lost one of its finest of those who call Bundaberg home. John Joseph Byrne died at the age of 82, and he was a true pillar of the local community. Amongst the groups and clubs he served were the Brothers Sports Club, the Mater Hospital Advisory Board, Bundaberg Rugby League, the Catholic Cemetery Trust, Mercy Health and Aged Care Central Queensland, Bundaberg Rotary, and a number of school parents and friends committees.

With strong Irish roots, John Byrne loved a Saturday flutter on the horses and networked with his tipster friends, but his greatest love was football. As an early mentor of the Brothers Sports Club, he became its president and, fittingly, a life member. He also became a life member of Bundaberg Rugby League shortly before his death. In 2003 he was named Bundaberg's Australia Day Citizen of the Year, and the following year he was awarded an OAM. On top of all his community work, John Byrne was also well known for his long-time association with the town's last independent department store, Buss and Turner, of which he was the manager until his retirement in 1993.

The remarkable thing about John was that he never sought thanks or special recognition for his contributions, and perhaps that is what stood him apart from many others. Despite his obvious dedication to the community, John's love of family trumped it all. His son Peter, now CEO of the Bundaberg Regional Council, recalled a father who was always there for the nearest and dearest of his flock. He said:

But as busy as he was in life, his family always came first. Nothing compromised that.

John has lived a good life based on a strong Catholic faith ... He's been a leader, mentor and friend to many.
The esteem in which John was held—not just by his family but by the wider community as well—was evident when a crowd of more than 650 people, including the Bishop of Rockhampton, Brian Heenan, the Catholic Diocese Vicar General, Father John Grace, and five priests, attended his funeral on 26 September. It was a very moving celebration of a life well lived in faith and commitment—a tribute to one of those people who can truly be called a man for all seasons.

It was my privilege to see John the day before he died, a time that I will cherish. John leaves behind his wife of 60 years, Josie, six children—two pre-deceased him—eight grandchildren and one great-grandchild. Vale John Byrne.

Holman, Mr Keith

Mr HAYES (Fowler) (10:46): I would like to draw the attention of the chamber to the death of Keith Holman MBE. Keith passed away on 11 October at the age of 86 after a long battle with illness. Keith was one of nature's true gentlemen and an absolute champion.

Keith—or 'Yappy', as he was often affectionately referred to due to his somewhat chatty nature—was an honorary life patron of the Western Suburbs District Junior Rugby League. It is in that capacity that I got to know him and his story very well. Despite his small frame by rugby league standards, Keith was one of the league's titans. He was, in fact, the only man in history to have played rugby league and refereed at international levels as well as coached a Sydney first-grade team.

In 1948 Keith Holman joined the Western Suburbs Magpies and began a wonderful career that saw him play over 200 first-grade matches for the club as well as 33 games for New South Wales and 32 test matches on behalf of Australia. Keith Holman was an all-time great half-back. He played his last game in 1961—the grand final between Western Suburbs and St George—probably at the age of 36. I say probably because Keith was an orphan and his age was never certain.

After his playing career ended Keith served as a referee. He had the honour of controlling one of the most famous grand finals, the 1971 match between South Sydney and St George, which obviously stays in our living memory because Souths won 16-10.

In 1977 Keith was made a member of the Order of the British Empire for his services to rugby league. I understand Keith was the only rugby league player to have a junior club named after him, the Holman Club in Enfield. In 2003 he was inducted into the Australian Rugby League Hall of Fame and in 2007 he was named one of Australia's all-time greats in the game's finest 100 players.

I would like to convey my deep sympathies and condolences to his wife, Hazel, and their family. Keith's commitment and friendship to our rugby league community will forever be appreciated and remembered. Not only was he an icon of rugby league, Keith was also a role model to both young and old alike. Keith Holman—rest in peace.

Higgins Electorate

Ms O'DWYER (Higgins) (10:49): Unlike the Prime Minister I am not afraid to wear out my shoe leather talking to my constituents in Higgins. In fact, only the other Sunday I was doorknocking my local constituents and they raised with me the issues that concerned them. Two of the big issues in Higgins right now are the cost of living and the provision of and access to quality health care. The Gillard-Brown government is going to make it even more
difficult for families in the electorate of Higgins on both fronts, as it plans to slug individuals and families even more for their private health insurance. Currently, around 77 per cent of all people in the electorate of Higgins pay for private health insurance. The position that the government has outlined is maintained in its planned legislation to be brought forward and was restated by the Minister for Health and Ageing over the weekend. But it was not always so. Before the last election the government said it would not touch private health insurance. But we know that this government says one thing and does another. The government claims that the reasons for this decision are economic and that it stands to save $2.8 billion over the forward estimates. However, independent modelling shows that not to be the case and that the net loss to the government could be in the order of $1 billion.

Deloitte, one of the largest and most respected audit firms in the world, investigated the impact of this government’s proposed means-testing. The main findings to come out of that report were that 1.6 million consumers would drop private hospital cover and a further 4.3 million would downgrade their cover. A further 2.8 million would drop their ancillary cover—for instance, dental—and, as a consequence, private health insurance premiums would rise by 10 per cent more than would otherwise be expected, making it less affordable for those people retaining private cover.

This would result in public hospitals having to treat significantly higher numbers of patients—some 845,000 additional patients—as people withdraw from private cover. The impact on private health and public health will be significant. It shatters the claims of the health minister and Treasury that only approximately 27,000 people will drop their private health insurance cover. The minister’s claim that 0.26 per cent of people who have private health insurance will drop their cover is not credible, considering that, according to Treasury’s own figures, 1,603,972 of the 2,240,842—or 71.5 per cent—individuals who have private health insurance earn under $75,000 and about 79.4 per cent of those listed as a member of a couple who have private health insurance earn under $150,000. That means that, on average, around 25 per cent of those who have private health insurance stand to lose their health insurance rebate. Even common sense tells us that these government figures are simply absurd. It is most definitely a case of Gillard economics and Gillard figures. It simply does not stand up. This measure will impact on families in the electorate of Higgins, and I will stand up for them.

The DEPUTY SPEAKER (Hon. Peter Slipper): Before calling the member for Hindmarsh, I would gently remind the member for Higgins that she ought to refer to the Prime Minister by her title.

Glenelg Bus Routes

Mr GEORGANAS (Hindmarsh) (10:52): Today I rise to voice my concern on behalf of local residents about a proposed change to bus routes in Glenelg by the South Australian Department of Planning, Transport and Infrastructure. Under the proposal, which I became aware of in late September, all public buses will be rerouted away from Moseley Street and Jetty Road and, instead, will go down Gordon and Partridge streets.

In recent weeks I have been contacted by many concerned residents from the local area who have raised these issues with me, and I hope today I can give a voice to some of those people. I have been advised that the rationale for this is to help reduce congestion but, having
received many letters, emails and telephone calls and having had people come into my office, I believe this plan could bring more problems than it solves.

Firstly, rerouting buses away from Jetty Road will reduce access to essential shops and services, especially for older people who rely on the bus to deliver them directly to Centrelink, the banks, pharmacies and doctors. As we know, one of the biggest challenges facing older people today is social isolation. Accessible transport plays an enormous role in encouraging social connectivity and healthy ageing.

The Glenelg library and community centre is located almost immediately on the current route and I am concerned that rerouting the buses could reduce access for some older people. I would like to think that Glenelg is and will remain equally accessible and enjoyable for all sectors of the community, regardless of their age.

Secondly, I am concerned about the potential economic impact of this proposal on local traders. Glenelg and Jetty Road can ill afford any more moves which makes it harder for people to access the main street. It has been a tough winter for many of those traders, who struggled through a mild summer beforehand.

Many passengers already travel directly through to Westfield Marion, where it is easy to get off and straight into the shopping centre, and changing the bus routes could see more go the same way. This would be a further blow to the local economy that we can ill afford, and I note that the Jetty Road Mainstreet Board have also expressed a preference for the status quo.

Further, there is a lack of suitable alternative locations for layovers so that bus drivers can take a break. Currently, bus drivers have access to toilet facilities, cafes and restaurants and space to park their vehicles. The proposed new layovers have none of these facilities, impacting on the Glenelg Bowling Club's own parking areas and that will lead to more congestion. There are also safety issues to be considered for drivers working late at night, stopping in areas which are perhaps less well lit than the current areas.

And fourthly, should the proposal proceed there will be increase in congestion, noise pollution and inconvenience, which will affect local residents, schools, including St Peter's Woodlands, and businesses. After becoming aware of this issue, I immediately wrote to the state minister, the Hon. Patrick Conlon, asking that the proposal not be implemented until proper consultation had taken place—that was on 27 September 2011. In my letter, I outlined these concerns on behalf of residents and urged them not to implement the proposal unless the community supported the plan. The support is clearly not there. Over the last few weeks I have spoken to a great many people and received a great deal of correspondence, with not one person or resident supporting the plan.

The local council, the City of Holdfast Bay, and the mayor are to be commended on their decision to listen to the concerns of residents and for having resolved on 11 October 2011 not to support the proposal. I therefore urge the transport department to reconsider their proposal in the light of overwhelming opposition from local residents and the local council and to scrap the proposal to change the bus routes. We need to make sure we get the balance right for all parties involved and listen to residents and the local council. I look forward to the minister's response.
Mr VAN MANEN (Forde) (10:55): I want to use this opportunity to focus on some of the positive things happening in the electorate of Forde. We have some great community groups and wonderful students in our schools. The Beenleigh Theatre Group was established in 1978 by a small group who were passionate about performing and participating in live theatre. Many of the original members are still active in the ensemble today. They provide great entertainment for all ages and the audience is always guaranteed an enjoyable evening. I would like to congratulate them on their latest production, the musical *Seven Brides for Seven Brothers*. On their opening night, 21 October, they performed to a packed house. I had the privilege of going to the pre-opening night presentation. It was a fantastic night. I got to speak to a few of the cast and everybody had a great time. I am really pleased to see this great community group going from strength to strength each year.

It is coming to that time of the year when our grade 12 students are completing their secondary education and are looking to going on to university or TAFE college. Some students I have been speaking to are going on a world trip, having a year off before they go to university—a gap year. I want to pass on my congratulations to them for their 12 or maybe more years of hard work at school to get to this point. Also, I congratulate their parents and teachers for supporting the students. As a parent with a grade 12 student, I know that a lot of work has gone in over the years in transporting the kids to sport and extracurricular activities, cajoling them to complete assignments and to study for their exams. I am sure many parents will be pleased to see that time coming to an end.

On the weekend I had the opportunity to attend the sixth annual Woodland's billycart derby. This time, given the development of the estate, they had a new course. It was great fun for all concerned. Unfortunately, there were a few crashes in the new chicane they put together. My congratulations go to all the winners and to the community. It was beautiful weather and a joy get out, and to meet and greet people in the local community. Everybody had a fun time and we are looking forward to next year.

Ms OWENS (Parramatta) (10:58): Today I rise to wish my local Hindu community a happy Diwali—a festival observed by over one billion people around the world including around 7,000 Hindus in my electorate mainly of Indian, Sri Lankan and Bengali backgrounds. Diwali literally means 'row of lights' and is often known as the festival of lights. It is celebrated on the new moon day of the Hindu month of Kartik.

Diwali celebrations, dating back many thousands of years, depict the victory of good over evil, knowledge over ignorance and light over darkness. During the festival of Diwali, Lord Ganesha, Goddess Kali and Goddess Lakshmi are worshiped by devotees. Homes in Parramatta are decorated with lanterns, traditional motif, bells, flowers and wall hangings. Homes are filled with traditional Indian sweets which are given as gifts to visitors. It is a fine time to doorknock. I would like to thank many members of the Hindu community, including Councillor Prabir Maitra, Meena Wahil, Harry Walia, Councillor Vasee Rajadurai, Dr Ashit Maitra and Dr Manomohan for helping me acknowledge the Hindu community in my electorate at this very special time.
This year Deepavali coincides with Paramasala, which is the biggest subcontinent festival in Australia. The festival started yesterday and it brings together people from all over the country and the world in a diverse program, including music, dance, theatre, film and visual art from all around the world. Best of all, it is held right near my home in Parramatta. The festival kicks off with the Diwali fair, which transforms Parramatta Stadium into a sight to see with thousands of coloured lights, dozens of delicious foods and exotic handcraft stalls, music and community entertainment. It continues through a multitude of events day and night for a full week. I was very disappointed to see that we were sitting this week, in fact, because it is one of my favourite festivals of the year.

The Hindu community in Parramatta is a vibrant one and with celebrations like Diwali they add energy and life to Parramatta and deepen the rich cultural fabric of our society. It is a humbling experience to be associated with a festival that goes back over 5,000 years and it is a privilege to have such a proactive community within my electorate and I appreciate their invitation to share this very significant event in the year with them. They have a very positive impact on Parramatta and make it a much richer place to live.

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! In accordance with standing order 193 the time for constituency statements has concluded.

PRIVATE MEMBERS' BUSINESS

Fair Work Act

Debate resumed on the motion by Mr Champion:

That this House notes that:
(1) the industrial system under the Fair Work Act 2009 is working well with low unemployment and low levels of industrial disputation;
(2) under the Fair Work Act 2009, 10,800 agreements have been made covering almost 1.5 million employees;
(3) since the introduction of the Fair Work Act 2009, the number of days lost to industrial action has continued its historical downwards trend; and
(4) the Fair Work Act 2009 is meeting its objective to balance the needs of employees and employers without taking away basic rights and guaranteed minimum standards.

The DEPUTY SPEAKER (Hon. Peter Slipper): Before calling the member for Wakefield, I must say that, given the events of the weekend, his timing could only be deemed to be exquisite.

Mr CHAMPION (Wakefield) (11:01): I do not claim any prescience in this matter. I do not think anybody could, frankly. Nobody could have foreseen before this motion was moved the events that happened over the weekend. The original reason I moved this motion was to simply point out that the most important thing to a person is their job and the most important thing to workers is how they are treated and the conditions under which they are employed. The Fair Work Act has kept employment low—

Mr Briggs: Unemployment low.

Mr CHAMPION: Yes, unemployment. I am glad to be corrected. It has kept unemployment low, increased participation and protected wages and conditions, particularly if you look in comparison to the United States of America or the United Kingdom, both of
which have freer markets than ourselves and higher unemployment rates. I think we have put the lie that lower wages lower your unemployment rate to bed for all time. Obviously there are more complicated things that go on in the economy.

We know what happened prior to this. The member for Mayo knows exactly what happened under the Work Choices act that he was one of the architects of. We know that wages were cut. We know that penalty rates were cut and people were dismissed unfairly. We know that AWAs were used to undermine other agreements. And we know that the Australian people were greatly aggrieved by that act. We know that they did not like it, no matter how much the member for Mayo tries to say otherwise. Actually, I am never sure whether he is running away from it or running to it these days. It is a bit hard to establish. One minute he says, 'Oh, no.' But then he says things that seem to point you in one direction. But that is a debate within his own party, no doubt. He and Peter Reith are out there waging a policy war, and who are we to stop them?

We know that Fair Work Australia has also done a number of agreements, such as with Australia Post and Woolworths. In fact, there have been 10,800 agreements covering 1.5 million employees. All of these agreements have been done without fanfare or incidents. They have been completed by good faith negotiation and registered with Fair Work Australia. So we know that there is a great degree of cooperation out there in the workforce. We know that there are large numbers of companies, employees and unions all getting together, negotiating in good faith, coming to an agreed set of wages and conditions and then getting on with the business of making money and, for the workers, getting on with the business of doing their work.

Tragically, in the last couple of days I think we have seen a situation where a company has taken a very extreme path and we have seen our Flying Kangaroo turned into an angry leprechaun—an angry, nasty leprechaun—that wants to inconvenience the Australian public. Our national carrier has embarked on an orchestrated and premeditated assault on consumers; not on workers but on consumers. The flying public and the public interest have been completely disregarded, I think, in this whole process. It is one thing not to have good faith negotiations with your workers, but to inconvenience people who have paid for a ticket and expect to get home or to their holidays or place of business is pretty surprising. It is unusual that the national carrier would inconvenience people in such a regard.

It is worth establishing the facts of this dispute. It is about two things: wages and job security. Looking at what the unions have done, the TWU want a pay rise, and for people who work outside handling heavy bags I think that is quite reasonable. I think it is reasonable for baggage handlers to have a pay rise. I think it is pretty reasonable for them to expect that they should have some job security over the life of the agreement. They have had eight hours of protected industrial action. The pilots have worn red ties—oh my God!—and they have made some announcements over the PA, which we have all heard. The Australian Licensed Aircraft Engineers Association suspended their industrial action on 20 October.

Mr Briggs: That is not what it is about.

Mr Champion: But look at the press release they put out. They suspended it. And that is an act of good faith, is it not?

Mr Briggs interjecting—
Mr CHAMPION: It is an act of good faith not to suspend your industrial action. This is not the unions behaving unreasonably. They have taken protective action under the act and it has been pretty moderate. They have not brought the place to a standstill. All they are trying to do is get a pay rise and protect their jobs, and it is a perfectly reasonable thing to do.

At the Qantas annual general meeting the boss got a 71 per cent pay rise. I noticed on Fran Kelly's program this morning he was arguing that there was a 30 per cent drop last year—but it is swings and roundabouts for some, I guess. So they found time to talk about that but they did not find the slightest amount of time to talk about the extreme path they were about to go down. They had a premeditated assault on the Australian public: 'Shall we tell the shareholders about that … maybe not.' Bizarrely, they then took some weird endorsement of the AGM for their action. I do not know quite how, and he did not tell anybody.

You have to have more front than a butcher shop, I think, to take a 71 per cent pay rise and then turn around and embark on such extreme action. It is a disappointing thing to see. We all know that people have been inconvenienced. We all know people who have been stuck in Melbourne—admittedly they might get stuck there for the races, so that might not be so bad. But if you were going to go to the Melbourne Cup you would have been pretty disappointed. There were people stuck in Perth, LA and Thailand and all sorts of places all around the world. There was no warning for the 68,000 people of what they were about to do. The fact that the government was given very little warning was confirmed by Alan Joyce on ABC radio this morning when he admitted that there had been some misreporting. I wonder whose fault that was—was it the reporters or was it perhaps the people who were briefing the reporters? I suspect that misreporting was not a mistake, as it were. Industrial relations extremism from our national carrier is disappointing. They are supposed to give 72-hours notice of a lockout. That is the requirement on an employer just as it is a requirement—

Mr Briggs: They gave 72 hours.

Mr CHAMPION: They did, and then they grounded the airline. If a union did that the member for Mayo would be in here talking about wildcat strikes and there would be all sorts of outrage—

Mr Briggs interjecting—

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! The honourable member for Mayo has had a fair opportunity.

Mr CHAMPION: Yet it is different when we see a lockout by an employer pulled on very quickly with no notice, which did not disadvantage the workers nearly as much as it disadvantaged the Australian people and consumers. It has damaged the tourism industry. It has damaged our faith in air travel. It has damaged consumer's personal interests and we have this bizarre vision of people literally being pulled off planes. They were on the plane and they had to get off because of this extreme action that was taken. There was alternative action that could have been taken by Qantas and they should have—

Mr Briggs interjecting—

Mr CHAMPION: No, all roads lead to Fair Work Australia. These are the things that Fair Work Australia could have done. They could have continued to negotiate in good faith. They could have sought their own orders to terminate action under section 423. They could have made their own application under section 424. They could have sought arbitration by consent
or they could have called in a third party. At the very least they could have embarked on a bit of sabre rattling. You would think they might have given a bit of warning.

They did not do any of these things. They did not negotiate in good faith. They have acted contrary to the national interest and they have declared war on the Australian public. It beggars belief that the top end of town, the corporate class in this country, think that they can take massive pay rises and then lecture Australian workers about a wage rise or job security. It is absolutely extraordinary that that might occur. Corporate Australia is badly out of touch with the community and its expectations in this regard.

Mr HUSIC (Chifley—Government Whip) (11:12): I want to follow on from the comments by the member for Wakefield because the events of the weekend were simply extraordinary. We had one of Australia's biggest companies use the flying public mums and dads as pawns in a game of industrial relations hardball. They had, as the member for Wakefield rightly pointed out, a number of avenues under the Fair Work Act by which they could have dealt with this situation. They were outlined a few moments ago and I will pick up the member for Wakefield's term of 'sabre rattling'. Even flagging that a move could be undertaken, for example, to suspend or terminate a bargaining period would be interpreted as a serious gesture that would have brought the negotiations into sharp relief, changed the nature of those negotiations and potentially averted the situation that we had on the weekend.

I imagine that if Qantas went to suspend or terminate the bargaining period they would have been required to outline in clear factual terms in front of Fair Work Australia why that course of action was necessary. My suspicion is that they know they would have been unable to justify or obtain orders for that bargaining period that allowed for industrial action to take place to be suspended. Why? It is because, as has already been pointed out and from what I am led to believe, not one minute of flying time was affected as a result of industrial action. The action that pilots had undertaken was in effect to create public awareness either through the heinous crime of wearing a red tie that had a union logo on it or, for example, by announcements in the plane indicating what was going on. That is what the pilots did. What did Qantas do? Qantas undertook action that affected 68,000 people, the flying public, across the globe. Their plans were disrupted because of what Qantas did. Taking protected action not only has to comply with the law, the Fair Work Act, but also has to be mindful of the wishes of employees of affected organisations: they have to vote in favour of action. You cannot simply go out and take industrial action. Union members and employees have to support that action.

To give you an example of how extreme Qantas has become, under the act, obviously the employer has to be given notice of action, but before anything takes place the employees themselves have to take some sort of action within 30 days—and this is a provision that has existed for some time—to ensure that that protected industrial action can occur at some point. But, for unions and employees, the preference will be to negotiate. A Qantas pilot notified Qantas through their union, the AIPA, that they would take token industrial action of two minutes to ensure that they complied with the law. The pilot undertook, with that fair warning, protected industrial action in a two-minute stop-work meeting. Qantas's reaction was to cancel the flight that that pilot was going to do, stranding the pilot and his family in China. They were stranded as a result of an advised two-minute stoppage by that pilot to ensure there
was compliance with the law. This is the type of behaviour that senior management in Qantas are sanctioning.

It is disingenuous for Qantas to say, for example, as they did on the weekend, that they had to undertake this action and it was not premeditated, when it is clear that it was. Thousands of hotel rooms had been booked around the world from Thursday to ensure that this action could be undertaken. The couriers who delivered lockout notices to pilots were booked last week. On Saturday night, Qantas senior executive Lyell Strambi admitted in front of Fair Work Australia that operations preparation had begun on this 10 days prior, while Jetstar CEO Bruce Buchanan sent an email regarding the action to all Jetstar staff on Saturday evening that was mistakenly dated Wednesday. This is the type of action that Qantas have undertaken. I would be interested to know if Qantas have abused their air operator's certificate by compromising the safety of the flying public by using this industrial tactic.

As I said earlier, to take industrial action under the act, you are required to give an employer 72 hours notice. Employers themselves pressed for this to give themselves certainty and to be able to make contingency plans in case their operations are affected. But employer initiated action like this does not require any notice. Imagine if the tables were turned and unions had taken this action on the spot. We would have all sorts of claims, as the member for Wakefield rightly pointed out, from those opposite that wildcat action had been undertaken. It is simply incredible that this type of situation could occur. The weekend's events set a terrible precedent, where employers sidestep justifying their moves—bear in mind that, as I indicated earlier, they could have moved to suspend or terminate the bargaining period and would have had to put argument and evidence forward to justify that—and instead move straight to lockout. Imagine if this occurred in another sector of the economy, like the banking system. Imagine if the banking sector took similar action, shutting down branches across the country as part of the lockout. It would be unexplainable and certainly unacceptable for them to do so, and they would have to be stopped in their tracks.

The Fair Work Act, which is the legislation we are referring to here, will come under review next year. Certainly, from my perspective, one area that does require review is the ability of employers to undertake this sort of wildcat action, affecting the public in the way that Qantas have, and the requirement that they too observe a minimum mandatory notice period—that is, where the employer gives notice, within the time frame of 72 hours, that they will effect a lockout. It is unacceptable that 68,000 people—mums and dads—have their lives turned upside down because the CEO and the Chairman of Qantas—the latter-day Don McGauchie, the latter-day Corrigan—want to effect a workplace relations agenda regardless of the impact on the public. Simply put, there needs to be even-handedness on both sides to ensure that the public is not affected.

I know those opposite have been calling for intervention and I love to hear that because I am certain that they have got this nostalgic, warm, fuzzy feeling in their balaclavas that they are getting a chance yet again to intervene in industrial disputes. Their intervention comes with alsatians. If it does not come with alsatians then it comes in the form of WorkChoices. Whenever they talk about intervention, the public should know they have not learned a thing. When they move to involve themselves in any industrial dispute around the country they ensure that the government will pick sides—that is what they are calling for in intervention. It is extraordinary. They say WorkChoices is dead, buried and cremated but certainly

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MAIN COMMITTEE
somewhere within that body the heart is well and truly beating for WorkChoices and we will see it yet again over the course of this debate and beyond. They do not have a policy but they have an intention and that intention is to bring back the son of WorkChoices in some way, shape or form.

If we are to have a system where we have economic growth at the level it has been that is the envy of the advanced world, with 700,000 jobs created in a period—

Mr Haase: Mr Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER (Hon. Peter Slipper): Under the standing orders, I am required to ask the member for Chifley whether he will accept an intervention.

Mr Husic: I would love to hear this.

Mr Haase: I ask the member would he comment on the efficacy of Australia's wharves today after the unnecessary action he speaks of.

Mr Husic: Thanks, and no. We should ensure that with our economic growth wealth is fairly distributed through industrial agreements that are fairly negotiated. (Time expired)

Mr Briggs (Mayo) (11:22): A part of this motion I do agree with and that is that the Fair Work Act is operating as the Labor Party intended it to operate. On the weekend we saw no greater proof of its operation than the thousands and thousands of Australians stranded at airports because of an ongoing dispute—a dispute which has reached this point purely because the Labor Party changed the law. This is why we are in the position we are in. We are in this dispute because the Labor Party changed the law and allowed matters to be bargained which were outside of the employment relationship. That is what this is all about.

The member for Chifley, and the mover of the motion the member for Wakefield—the member for the SDA union and the member for the communications union—said this has been extremist action by Qantas, that Qantas has taken on these poor union officials who are just operating in good faith. They did not want any of this; they did not want any of this industrial disharmony; they cannot believe it is happening—except that earlier this year Wayne Forno, who is the New South Wales TWU secretary, said:

Meanwhile our members at Qantas are in for their biggest fight ever for their EA … Our members have the power to make Qantas grind to a halt …

He said that on 14 July, three months before. What they have engaged in since that time is strike after strike. They call a strike, make the airline withdraw services and at the end say, 'Oh, we will call off the strike'—like Qantas can just automatically put the planes back in the air. This is an action where unions have forced Qantas to this point. Steve Purvinas, the Federal Secretary of the ALAEA, the engineers union, said just two weeks ago he would not book with Qantas between now and Christmas. Is that acting in good faith, Mr Deputy Speaker Slipper? I ask you: is it acting in good faith to say to consumers, 'Go and screw the company'?

The DEPUTY SPEAKER (Hon. Peter Slipper): Order! The honourable member for Mayo will not defy the chair.

Ms Hall: Mr Deputy Speaker, I seek to intervene.

The DEPUTY SPEAKER: Is the member for Mayo willing to give way?

Mr Briggs: I am not wasting my time with the member for Shortland.
The DEPUTY SPEAKER: What was your answer?

Mr BRIGGS: No. This is too important a motion to speak to, to put on the record why the Labor Party is utterly to blame for the position we are in today with this industrial dispute. They changed the law and their only response is to try to conjure up a scare campaign. As Barry O'Farrell said a couple of weeks ago quite clearly—

Mr Champion interjecting—

The DEPUTY SPEAKER: Order! The member for Wakefield will remain silent.

Mr BRIGGS: this is the McCarthyism of the new parliament—that you cannot talk about the failure of these people to manage this issue. Because they are wholly owned subsidiaries of the trade union, they cannot see the wood for the trees when it comes to this dispute. They all represent collectively the different unions that are at the table. And we know that one of the major protagonists in all this is not driven by getting his workers better rates of pay, because he agrees with the offer. Tony Sheldon has said that he agrees with the offer that Qantas have made.

Mr Champion interjecting—

The DEPUTY SPEAKER: Order! The member for Wakefield has made his contribution.

Mr BRIGGS: What he wants to do is manage the company. He also wants to manage the Labor Party. He is running for the presidency of the Labor Party—what a surprise!

Mr Champion interjecting—

The DEPUTY SPEAKER: Order! The honourable member for Wakefield will not defy the chair. He will remain silent for the rest of the contribution made by the honourable member for Mayo.

Mr BRIGGS: I can put it no better than how the government is to blame for this than Professor Judith Sloan, who wrote this morning—

Opposition members interjecting—

Mr BRIGGS: Oh, they all are. Of course, they are now attacking economists. I recently heard you were not allowed to attack economists. Here we go: the Labor Party just want that on the record. All four of them across the way have just attacked Professor Judith Sloan. She put it very clearly, very simply this morning when she said this in the article in the *Australian*:

While there are differences in the three separate negotiations—with the long-haul pilots, the licensed engineers and the ground staff—there is one core stumbling block. This related to the right of the company to manage its operations, including using contractors and labour hire employees, changing work practices and separating the working conditions of staff across the various parts of the company. Negotiating the wages and conditions of staff is one thing; restricting the ability of the company to remain competitive is another thing altogether.

She sums it up this way, perfectly:
The key issue is that under the act—

under their Fair Work Act, which they are celebrating here this morning; celebrating this dispute, as intended—
there is essentially no prohibited content in agreements. And because of this, protected industrial action is available for the pursuit of virtually any matter.

That is what we are seeing here. We are seeing the unions empowered and on a frolic, trying to tear down an icon of our country. Tony Sheldon talks about job security for Australians. I tell you what: keep going the way you are going, Mr Sheldon, and you will send this airline offshore, because you will destroy it as they destroyed Ansett before. These people are completely biased when it comes to these matters. They see it from one side and one side only. We have seen that in the last 24 hours. We have seen attack after attack. The member for Throsby was on Twitter on Saturday night after Alan Joyce. The member for Chifley was out there—

An honourable member interjecting—

Mr BRIGGS: I am sure I missed the member for Wakefield's contribution. They are all out there personally attacking Alan Joyce and personally attacking Qantas. They will not see the wood for the trees on this issue. They are wholly owned subsidiaries of the trade union movement in this country. You cannot expect them to say anything else.

The Leader of the Opposition is dead right when he says that the government should have acted sooner. He is absolutely right, so much so that Professor Andrew Stewart, hardly a friend of this side of the parliament—he helped write the Fair Work Act—said in the Sydney Morning Herald two weeks ago:

It has got to get to a point where it's something more than the ordinary type of industrial action—

that has to happen. He told them this was coming. He told them that this was going to happen, that it had to happen, because Qantas were bleeding. They have bled $68 million in this industrial dispute—and the unions were out there telling people, 'Don't book with Qantas before Christmas.' Apparently, this is all the fault of Qantas management. It is all the fault of Qantas. It has nothing to do with the unions at all; they were all acting in good faith. What a load of bollocks! This act is as the government intended it to operate. They wrote this act for this sort of dispute to occur. There is nothing surer. As Peter Costello, very rightfully, put it yesterday on TV: 'This is a dispute about who manages the company. It is not about conditions, not about pay; this is a dispute about the unions wanting to manage this company.'

We are here not to make decisions on who is right and who is wrong in industrial disputes, because, inevitably, people on both sides do things in industrial disputes which none of us will agree with. Disputes are nasty and they cause a lot of damage. We are not here to make those judgments, even though those on the other side continue to do so. And you just heard, again, the rant from the member for Chifley about the waterfront—the waterfront where, the unions told us, you could not get from 16 to 30 crane lifts per hour at the time. We now average 32. What a surprise! It actually worked.

Those people opposite are obsessed, they are wholly owned subsidiaries of the trade union movement and they cannot see this issue. They automatically take sides. Our job here is to write law so we do not have these sorts of disputes, so we do not encourage one side or the other to take the action that we have seen the unions pursue in the last few months, draining the blood from Qantas, so much so that we saw the absolutely extraordinary intervention this morning by John Borghetti, a competitor of Qantas. He is quoted in the Australian as saying:
But I think, generally speaking, given the perception of Australia overseas at the moment, this would certainly be damaging to Brand Australia …

This dispute is very complex. Even the competitors are saying that this matter has to be sorted out. The Prime Minister knew this was coming. She should have acted when she had the opportunity to act. Make no mistake: the government wrote the law to allow this scenario to occur. Every single one of you is responsible for the 68,000 people who were stuck at airports over the weekend. Every single one of you is responsible for what is going on—the industrial chaos which is now affecting our mining companies, wharves and Qantas. They are trying to kill Qantas, by allowing this outrageous and ongoing campaign and by extending the matters that can be included in disputation. The unions are acting out of control and are being supported by their sponsors in the parliament. They should be ashamed of themselves. This act is a disgrace. It must change. Unless we change it, the economy will suffer. Shame on you.

Mr HAASE (Durack) (11:32): May I say at the outset that, firstly, I am amazed at the tenacity of the member for Wakefield in not pulling his motion that he proposed for debate today on the Fair Work Act. In the circumstances of the preceding 48 hours, one would have expected the member for Wakefield to generally follow in the footsteps of his party and run away from tough issues, because we well know that members of the Labor Party, made up from the union movement, today run away from major issues because they can and because they have no solid investment in the problem at hand. This private member's motion asks, amongst other things, that we note that the industrial system under the Fair Work Act 2009 is working well, with low unemployment and low levels of industrial disputation. What monumental words.

The reason we have low unemployment is that we have a couple of states in this nation, regardless of union activity, that are still forging ahead, that are supplying world markets and doing it well and that are employing everyone who has a head, two arms and two legs. Certainly, we have low unemployment, but we do not have low unemployment as a result of the Fair Work Act 2009. Nothing could be more certain.

In relation to low levels of industrial disputation, dear oh dear, doesn't the member for Wakefield now regret this motion? The last 48 hours have seen action, unprecedented in this country, taken by Qantas that has resulted in 70,000 passengers being affected, 600 flights cancelled and seven grounded aircraft. We have had rolling strikes by unions whose members have chosen to send the 'Flying Kangaroo' to the ground permanently, if not offshore. There is no way that all the talk, all the bluster or all the protestations can deny the fact that this is the aspiration of the union—quite simply to make sure that the Flying Kangaroo is brought to its knees and certainly sent offshore.

Mr Champion interjecting—

The DEPUTY SPEAKER (Mr Murphy): Order! Opposition members will desist from interjecting.

Mr HAASE: For anyone ex-union in the government today to propose that this has not been their intent from the very first day of industrial action is hypocrisy indeed. So I suggest to the member for Wakefield that he is the bravest of men in this place today, because he is following a dream.

Mr Stephen Jones: Mr Deputy Speaker, I seek to intervene.
The DEPUTY SPEAKER: Is the member for Durack willing to give way?

Mr HAASE: No. Only foolish members of the government would take questions in this situation. Over these last 48 hours we have seen a situation bringing pain to the travelling public, that you are presumably interested in—not just Australians but visitors to Australia and moving from Australia around the world. They are being held to ransom by the most dishonourable group one could ever imagine, because their intention is false; their protestations are false and their representation here, I would suggest, is false on the basis of being interested in the best interests of Australians. The Fair Work Act 2009 has created an opportunity for the travelling public to be inconvenienced in a manner that they have never, ever been inconvenienced in before. The last time we saw this sort of action it caused the end of an airline. As the member for Mayo pointed out moments ago, the intention of the union from the outset was to destroy Qantas.

Mr Champion interjecting—

The DEPUTY SPEAKER: Order! The member will be heard in silence.

Mr HAASE: I am all right, Mr Deputy Speaker, they can mouth on as much as they like with their hypocrisy. It will not get through to the minds and hearts of the Australian people, because they speak with forked tongues. They purport to represent Australians and their best interests but they represent a group of Australians—unionised Australia.

Mr Champion interjecting—

The DEPUTY SPEAKER: Order!

Mr HAASE: Unionised Australia will at every turn choose to bring the employer down because this is a battle that was born some hundreds of years ago and they have never matured to the point where they are over it. They still believe that they are fighting to get the small children out of the depths of the coal mines, and because there are no small children in the depths of the coal mines today they have to pick on someone else. Who suffers? The travellers of this world have suffered in the last 48 hours, needlessly, because of the games that they play. They do not have the intestinal fortitude, the wherewithal or the motivation to invest their money like the shareholders of this company do in service industries that provide and make assets and life better for Australians. They do not endeavour to keep their unions down so they can be on top dictating, looking from on high; they absolutely represent the worst aspects of a small group of the Australian population and they ought to be damned for it.

I have no fear of going out into my electorate and facing unionists, because in the main, in my vast Durack electorate, unionists these days are members of unions because they have been forced into it. It is not a voluntary situation, because the industrial laws today still demand on building sites in Western Australia that they be members. We still have the jackboot attitudes of union leaders in Western Australia demanding that unionists are such and have a job or they leave the site. They still use their jackboot tactics and disrupt concrete pours. I wonder if you guys know about concrete pours. What do you know about hundreds of thousands of dollars worth of concrete, and reinforcement installations—

Government members interjecting—

The DEPUTY SPEAKER: Order! The member will be heard in silence.
Mr HAASE: that are destroyed because of unions calling for strikes on building sites? It would be hypocritical for any one of you sitting opposite to declare that you were interested in the progress of Australia. That would be a rare event. I would like to hear you loudly declare that you are interested in the activities of Australians today.

Mr Stephen Jones interjecting—

Mr HAASE: There is silence. There is silence in that regard—

Opposition members interjecting—

Mr HAASE: from the three members opposite because they cannot genuinely, hand on heart—

The DEPUTY SPEAKER: Order! The members of the opposition will cease interjecting.

Mr HAASE: say that they are interested in Australians. They are interested in tearing down big business because there are no small children in the coalmines to save anymore. If they had any gumption, motivation or intestinal fortitude, they would be out investing their own money in free-market enterprises, not trying to kill the services.

Government members interjecting—

The DEPUTY SPEAKER: Members on my right will cease interjecting.

Mr HAASE: So there we have three of those who represent hypocrisy in this nation. I remind the chamber in these closing moments of reports over the last 48 hours that Qantas had extensively briefed Prime Minister Gillard and the government, including Minister Albanese, over an extended period. That included a visit by Alan Joyce to Anthony Albanese's office on 21 October. The first action that Julia Gillard could have taken would have been to invoke the powers of section 431 of her Fair Work Act—her act. This would have meant that, rather than waiting for Fair Work Australia, the dispute would have been terminated immediately—

Mr Champion: No, that's not true, Barry.

Mr HAASE: Of course, we expect only the truth, don't we, Mr Deputy Speaker? We expect only the truth! Instead, people were sitting at airport terminals around the world—because this government was sitting on its hands. There are powers under the act that Prime Minister Gillard could have used to avert this crisis, but she chose not to. She chose not to because until she is forced into a corner she does not exhibit leadership. Until such time as she has no way out, she is totally boxed in, she will not make decisions, certainly not rational ones. All we had, in fact, was the member for Maribyrnong fronting up at Fair Work Australia to intervene—on behalf of the people of Australia or on behalf of the union movement, I wonder? Or was it simply part of his tilt at leadership of this government of rabble? These laws are Prime Minister Gillard's laws. She wrote them and she would have known what to do and how to do it—\(\text{Time expired}\)

Mr STEPHEN JONES (Throsby) (11:42): It is a great pleasure to speak on this motion, and I thank the member for Wakefield for bringing it before the House, because industrial relations has been a central issue of federal politics since the very Federation of this great nation. It has been a debate fought out at just about every election and it has been a central debate, certainly for those on this side of the House, because we understand that it represents
the bringing together of those core economic and industrial rights issues that go to the heart of what drives the people who elect us to represent them in this place.

It is a central issue when you think of the architecture of our industrial relations system, and the national wage case—that yearly coming together of members of the Fair Work tribunal, where they consider the movements in prices and the need for workers' wages to keep pace with the costs of living. That represents a shift in wages, take-home income, for about a quarter of Australians—and, if you think about it, Mr Deputy Speaker, it has a bigger impact on their lives. I know that is of little interest to the member for Durack, but it has a bigger impact on the take-home pay of the sorts of workers that I know the member for Wakefield used to represent: low-paid workers. It has a bigger impact on their working lives than the annual cycle of budgets and tax cuts will ever have on them because of the take-home pay increases that are made possible by those decisions.

You will not hear those opposite talk about that, because those workers are invisible to them. Similarly, they have little interest in the award provisions that were protected by the Fair Work Act—after their 11 years of assault on them—like penalty rates, overtime and others that ordinary Australian workers rely on to make ends meet. They talk a lot about the cost of living over on that side of the chamber because that is what their focus groups are telling them. What they do not understand is that these provisions that are contained in the industrial instruments are how ordinary Australians make ends meet. These are provisions that are protected by those on this side of the chamber, but those that are of absolutely no concern to those on that side.

I was amused to follow the easily amazed member for Durack who gave a speech which would have made any class warrior on any side of politics proud in the 10 minutes that he stood here before us. The member for Durack would probably be unaware of this, but I note that he is wearing a red tie today. He is probably unaware that one of those unionists that he was disparaging—the pilots—if they wore that red tie to work a few weeks ago, they would have been stood down. That is the sort of industrial action we are talking about that these tyrants of the union movement were engaged in—wearing a red tie to work to show their solidarity. If he wore that red tie—if he were a pilot—he would have been stood down. The member for Durack might have done himself the favour of actually informing himself before engaging in this debate.

Those opposite obviously have as many positions on the IR debate as it is possible to have. You have got those who are the wolf in sheep's clothing—that is, the Leader of the Opposition. This is the man who ran around the country between 1996 and 2000 encouraging employers in the coal industry to lockout their workers and then encouraging the industrial tribunals to do absolutely nothing about it who is today egging on the Prime Minister to intervene to terminate the bargaining period and to arbitrate on this dispute. He has had a Damascus like conversion over the last decade. Then you have the wolves in wolves' clothing and that is the member for Mayo over here. I am pleased that he is at least honest—and he has been consistently honest in this debate—and I must say that I disagree with the member for Durack on many things but he is consistently honest in this debate too. They have no time for industrial laws, except those that go to the hearts of worker's rights. We have the wolf in wolves' clothing over here and the wolf in sheep's clothing represented by the Leader of the Opposition. The real test of a successful industrial relations system is the jobs that it creates—
over 750,000 jobs created—the rights that it protects. We make no bones about the fact that we protect take-home income, penalty rates and overtime and that protracted disputes like Qantas can be resolved, as they will be over the next 21 days. (Time expired)

Mr ALEXANDER (Bennelong) (11:47): I rise to speak against this motion in the strongest possible terms. There are many ways in which I could respond to this motion, but I thought that the best way would be to read some of the headlines of today's newspapers: 'Qantas crisis engulfs nation'; 'Passengers remain in limbo'; 'Operation lockout'; 'Qantas crisis costing economy $250m a day'; 'Tourism sector fears mass bankruptcies'; 'Clipping union wings with capital strike'; 'Union battle always on route to hit ground hard'. I am sure that the member for Wakefield had honourable intentions when he drafted this motion and perhaps has become a victim of bad timing. However, this reflects the core problem of the industrial relations legislation that he is lauding. It has not brought industrial peace; it has only brought uncertainty.

The consistent theme that I hear from businesses across my electorate of Bennelong is the need to operate in an environment of certainty. The Fair Work Act in tandem with this inept government's woeful management of the economy, has clearly not provided any such certainty in business conditions. Kept afloat by the mining boom, the gap between the two speeds in our economy grows wider every day and increasingly a higher price is paid by small businesses and, subsequently, the workers supposedly cared for by the member for Wakefield's former paymasters at the Shop, Distributive and Allied Employees Association.

Last week I visited the Epping Floral Centre in Bennelong. The lady at the counter spoke of her need to work 80 hours a week without breaks, without sick leave, annual leave or overtime entitlements. Before the SDA put on their orange polo shirts and set up a picket line outside this business, the lady I spoke to is the owner of the business and she needs to work those hours under those conditions just to keep the doors open. She commented that ideally she would employ a staff member to ease her load, which would also contribute back to the economy and to our local community; however, she could not justify this financial commitment in such a restrictive workplace relations environment and with the looming threat of the carbon tax.

Several months ago I addressed a local business forum and was asked a question about Work Choices and penalty rates. I stated our party's policy mantra that Work Choices is dead, buried and cremated, and I repeated some of the stories that had been told to me by local business owners about their genuine experiences of running an enterprise in the current environment. One story, replayed over and over, was that small retail businesses like cafes and hairdressers could no longer afford to open on weekends because the costs associated with penalty rates had become prohibitive. As a result, business owners are angry as they cannot afford to open their doors, workers are angry as they have been priced out of a job and customers are angry as their favourite shop has closed. The economy suffers.

Without detailing any alternative policy, I conclude by saying there must be a better way. The result was a conga line of government MPs misrepresenting my comments as a call for the reintroduction of Work Choices and the abolition of penalty rates. This story is representative of the desperate levels this government will stoop to in order to rekindle the fear that was so successfully installed in the community in 2007.
I am sure that at the next election the streets of Bennelong will be crowded with orange polo shirts fresh from another strike action with Customs staff, weathermen or whatever occupation is their target that particular week, telling all who will listen that the sky will fall in. However, these local business examples represent a far more serious story that was repeated in actions this weekend. Qantas, just like the small business owners, were forced into such desperation by the regulatory environment they operate under and by the militant nature of the unions—supposedly employed to safeguard the rights of their workers. The only way they could ensure the future viability of their business was to shut the doors. Surely, there must be a better way and, surely, this motion should not be supported.

Mr NEUMANN (Blair) (11:52): I wish to commend the member for Wakefield for propitiously bringing this motion forward. If there is to be a fair go at work there must be a decent and comprehensive safety net. I spent 20 years as an employer and employed dozens and dozens of people in that time. I was a senior partner of a Brisbane CBD law firm and I can tell you the best way to redistribute wealth in this country is to employ someone. I found that simplicity, fairness and equity were crucial when sitting across the table negotiating arrangements with employees.

The Fair Work system gives Australians an efficient, fair and balanced national system with a stable regulatory framework. It provides workplaces the opportunity to enhance productivity in a real way to become more competitive and at the same time it allows fairness and balance. Despite the opposition scare campaign, the majority of employees and employers are using the Fair Work system to work out their differences in a mature and proactive way. In the year to June 2011, there were 22 fewer disputes than in the previous year. Since the Fair Work Act took effect, on average 3.6 days were lost per thousand workers per quarter compared to 13.5 days per quarter during the Howard coalition government. The Fair Work Act restored unfair dismissal protection to millions of Australian workers who were denied the basic entitlement under Work Choices.

I make no apologies for supporting security from the fear of unfair dismissal to about 2.8 million Australians and their families. Individual statutory contracts were a vehicle by which wages and conditions were diminished in this country. Under Work Choices 64 per cent of AWAs cut annual leave loading and 63 per cent cut penalty rates, to the shame of those opposite.

Mr Briggs interjecting—

Mr NEUMANN: The Leader of the Opposition is under pressure from the member for Mayo and all the modest members opposite to reinstate Work-Choices-like legislation. I am struck by the tone and language of the Leader of the Opposition in his press conferences recently, because the devotee, the disciple of John Howard, lives and breathes not just in the member for Mayo but in the Leader of the Opposition. It is in their DNA, their blood, their sinew and their fibre.

They believe in Work Choices and they will bring it back. No longer is the Leader of the Opposition the workers' mate, the battlers' friend. He is out there supplying succour and assistance and words of comfort to the management of Qantas. This is the management that had this in place—and this is the evidence—for days before their annual general meeting. They gave a 71 per cent rise to senior management and are at the same time trying to lock out workers and stop Australian commuters from getting across the country. This is not just. This
is the fault of the Qantas board. It is an irritant to international travellers and it is causing
domestic disruption to the Australian economy.

If a union did this those opposite would be bleating. There would be hellfire and brimstone
threatened by those opposite. But, guess what? It is the management of Qantas. The
opposition side with big business always. That is in their real fibre; it is what they really
believe. They come in here with their concern about living conditions and workers wages and
this sort of stuff, but it is simply nonsense. They do not believe it. You see the class warfare
from those opposite; the member for Durack and the member for Mayo. They really show
what they truly believe. I hope everyone listens to this—the workers, the working families
across the country, the pensioners and the people who are doing it tough. When they listen to
the words of the member for Mayo and the member for Durack they really get what these
guys are really about. If this mob were ever on this side of the chamber again they would
bring back Work Choices. They would not call it Work Choices. The member for Mayo's
private member's motion has WorkChoices in it. His private member's bill has Work Choices
in it. He is an architect, an author, of Work Choices. That is what this side really believes in.
They talk about freedom, flexibility and productivity. That is simply a code word. We know
what it is about; it is about driving down wages and increasing profits for big business. They
are not interested in a cooperative and collective approach in workplace enterprise bargaining.
Here they are—the Leader of the Opposition, the market's friend, urging draconian work.

(Time expired)

Mr VAN MANEN (Forde) (11:57): There is so much good material, where do you start?
At the end of the day an IR framework is designed to give people job security and to give
them jobs. No amount of attempting to blame the Qantas management for an issue that the
unions created in the first place by creating uncertainty is going to change that.

The Fair Work Act is another example of Labor's approach to an industrial relations reform
that again centres around emboldening the union movement. There are plenty of examples
over the years of where the union movement's own agenda has cost workers their jobs. Again,
it is an example that is going to be a detriment in the long term to the employees.

This motion is just farcical. This weekend we have seen the Qantas dispute where the
government's mismanagement has forced Qantas to take these drastic actions.

Mr Champion: Poor managers!

Mr VAN MANEN: This is not the first industrial action that has tested Labor's industrial
relations dispute resolution process. At the end of the day the quality of this process is based
upon how it handles the disputes, not when things are going well.

Mr Champion: As there have been up until now.

Mr VAN MANEN: There have been disputes at Toyota around pay issue. There have
been disputes at BHP's coal mine—

Mr Champion: There were disputes under Howard. Tristar under Howard held up the
whole economy.

The DEPUTY SPEAKER (Mr Murphy): Order! The member for Wakefield will cease
interjecting.
Mr VAN MANEN: So then we have BHP’s coalmine dispute, there is Customs, there is police, there is transport. The list goes on. Qantas is being held to ransom by the unions. On Saturday night, we saw the end result of that with Qantas grounding their flights. Passengers were stranded in airports all over the country as well as internationally. Included in the list of stranded people were dignitaries, journalists and staff who attended CHOGM. It is not a good look for promoting our industrial relations process in action. What an embarrassment for this government. It just adds to the long litany of government mismanagement on BER, border protection, live cattle industry—

Government members interjecting—

The DEPUTY SPEAKER: Order! Government members will cease interjecting.

Mr VAN MANEN: I am happy to support my community.

Mr Neumann: You guys voted against it.

Mr VAN MANEN: It is all a bit late for that. How many other businesses have been affected by this industrial action not to mention investor confidence and productivity? This whole fiasco must surely taint travellers’ perceptions of visiting Australia. The tourism industry has already reported a five to 10 per cent drop in the number of bookings for the Christmas period and rolling strike actions are not going to win over any ambivalent tourists.

Mr Champion: They are not rolling strikes.

Mr VAN MANEN: The rolling strikes or threats of strikes prior to Saturday.

Government members interjecting—

The DEPUTY SPEAKER: Order!

Mr VAN MANEN: Customers who have been lost, who have decided not to come Down Under for a holiday, will need to win them back. The managing director of Webjet indicated in an interview with Business Spectator that if the strikes continued, they could have a knock-on effect impacting the whole Australian tourism industry. There are the related industries that go with that. Due to these threats or strikes that have occurred and are being scheduled to occur over the coming months, we are only going to see a decline in people wishing to travel to this country.

It is not QANTAS that are changing the goalposts. They have not implemented any changes to the legal framework for industrial relations introduced by the fair work system. The dispute resolution umpire has done little to credibly assist in bringing this dispute to an end. If anything, they could be accused of undermining the rights and conditions that have been collectively bargained. As the member for Mayo pointed out, the dollar figure for pays is not an issue, it is about allowing the management of the company do what it needs to manage the business in the model—

Mr Champion interjecting—

The DEPUTY SPEAKER: Order!

Mr VAN MANEN: Well, job security is about changing the requirements and framework of what needs to be done in the jobs to reflect the new technology that has come in with new planes. They are happy to cost Qantas $15 million a week or $70 million over the process—

Debate adjourned.
Debate resumed on motion by Ms J Bishop:
That this House:
(1) condemns the:
   (a) Boycotts, Divestment and Sanctions campaign against Israel; and
   (b) targeting of Max Brenner chocolate cafes as part of this campaign;
(2) rejects this tactic as counterproductive to the promotion of the rights of Palestinians;
(3) reiterates Australia's support for the two-state solution and the right of the Israeli and Palestinian people to live peacefully within internationally recognised borders; and
(4) urges the leaders of the Israeli and Palestinian people to resume direct negotiations.

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (12:03): I rise to move this motion condemning the Boycott, Divestment and Sanctions campaign that continues to be waged against the state of Israel and its people, and reiterating our support for the two-state solution and for the resumption of direct negotiations by the leaders of the Israeli and the Palestinian people for a lasting peace.

The provocative, counterproductive and highly discriminatory actions of this BDS campaign come at a time of increased uncertainty and upheaval in the Middle East and North Africa, as the hopes and aspirations of restless populations have cast aside old regimes. Israel is confronted with a new strategic environment more hostile to its interests and the security of its people than perhaps at any other time in recent history. At a moment when the community of nations should be offering their hands in support, Israel faces renewed pressure on the international stage.

The coalition has never supported and will not support any attempt in the United Nations, other fora or elsewhere that results in Israel's international isolation and that is the purpose of this BDS campaign. We wholeheartedly reject the attempt by members of the Socialist Alliance, the Australian Greens and the 21 trade union movement members and affiliates who seek to hold Israel, its people and its business community hostage to their ideologies and prejudices. This intolerance has found expression in recent times through the BDS campaign initiated in 2005, which now has targeted action against the Israeli owned Max Brenner company, which operates chocolate cafes in Australia. The worst of the clashes took place on 1 July 2011 at a Max Brenner store in Melbourne. Protesters forcibly prevented customers from entering the store. Three police officers were hurt during the incident and 19 protesters were arrested. Charges laid included assaulting police, riotous behaviour, besetting premises and trespass.

Other businesses targeted for protesters as having an Israeli connection include Sara Lee, Revlon, Starbucks and Coca-Cola. Their crimes, according to the BDS campaign, include having a company chairman who has supported Israeli causes or having received recognition by the Israeli government—in the case of Sara Lee over 13 years ago—for supporting trade and investment opportunities with Israel.

Even The Body Shop, an outlet well known for its strong commitment to social and environmental justice issues, has been targeted for its 'deep and extensive involvement in business relations with Israel'. One has to question the sanity of a campaign that seeks to boycott The Body Shop, a company that has been involved with Amnesty International from...
1988 when it launched its first human rights campaign. It has worked closely with Amnesty since then helping to raise awareness and funds through its stores. In 1991 Gordon Roddick, co-founder of the Body Shop, helped establish the Big Issue, a magazine which has supported thousands of homeless people throughout the world to achieve a measure of financial support. The Body Shop is currently leading a campaign to stop sex trafficking of children and young people in partnership with Child Wise, Australia’s leading international child protection charity.

The actions of the BDS campaign protesters have not only hurt this business and its consumers but also the individuals and non-government organisations that depend on its support for their welfare and community outreach. Despite the positive contribution that these stores and their staff have made to the wider community, protesters were not deterred from targeting the chain during a rally in Perth last month.

It is with much regret that I note that support for this BDS campaign against Israel has also been taken up by the Australian trade union movement. According to the instruction manual for supporters of the boycott, divestment and sanctions campaign, 21 Australian trade unions or affiliates are committed to a full or partial boycott, divestment and sanctions campaign against Israel. These are the same trade unions that play a leading role in the Australian Labor Party, including the preselection of its political representatives. About 32 of the current Labor caucus are former union officials and every member of the Labor caucus is a union member. I look forward to their support of this motion and their rejection of this BDS campaign that has been supported by their union bosses. Having witnessed the foreign minister’s brutal dumping as Prime Minister orchestrated by the former union bosses and faceless men of the Labor caucus, the Australian public can be in no doubt as to the power these unions yield over our democratic process.

A recent posting to the BDS website dated 11 September 2011 reveals the strong support from Australia’s trade union movement to this campaign against Israel. The posting describes a motion of support for the BDS campaign passed by the Victorian Trades Hall Council executive, expressing concern at the involvement of the Australian Competition and Consumer Commission in investigating the recent protests against the Max Brenner store in Melbourne. According to this union motion, this was an aggressive smokescreen to stifle legitimate industrial and political activity by unions. It made no attempt to balance its view by recognising the concern of the Victorian government and others that these protests verged on secondary boycotts aimed at causing substantial loss or damage to a business in contravention of the Competition and Consumer Act 2010. With this in mind, it was essential that investigation by the ACCC was carried out. The Victorian Trades Hall Council also criticised police for their tactics in responding to protests.

The intolerance displayed by protesters during these incidents has also found expression in the upper reaches of Australia’s tertiary education system. The BDS campaign has spread to the issue of academic freedom, a cornerstone of higher education in this country. It has been revealed recently that Associate Professor Jake Lynch, Director of the Centre for Peace and Conflict Studies, called on his colleagues at the University of Sydney to withdraw from an upcoming gathering of visiting Israeli scientific researchers. It transpires that Associate Professor Lynch was asked to boycott this scientific meeting by the same supporters of the Boycott, Divestment and Sanctions campaign that led protests against Max Brenner chocolate.
cafes. The Israel Research Forum—to be held today—involves important academic discussion in fields such as neuroscience, tissue regeneration, obesity, diabetes, water, food and agriculture, energy, information technology and the pedagogy of teaching a second language. The prospect of further discovery in any of these areas promises not only to enrich our own lives but also the lives of others in less fortunate societies around the world.

In an interview with the Australian newspaper, Dr Lynch warned that Sydney University:

… risks sustaining reputational damage if the forum goes ahead.

Sadly, for Dr Lynch, the only reputation that has been damaged by this fiasco has been his own. The very freedoms that allow Dr Lynch to express his beliefs and to associate with supporters of this BDS campaign are the very same freedoms that he now seeks to deny to others—others, it should be pointed out, who wish for nothing more than to engage in intellectual debate with respected international colleagues.

Professor Graeber, a participant in the forum, has rightly pointed out what should have been apparent to Dr Lynch and the supporters of the Boycott, Divestment and Sanctions campaign:

Academics must not be held hostage by ideologies.

The principles guiding academic freedom are restated in the Magna Charta Universitatum signed in 1998 at the University of Bologna. It celebrates the deepest values of the university tradition. This charter has been taken up by the universities of Sydney and Melbourne as well as other Group of Eight research institutions. It declares:

3. Freedom in research and training is the fundamental principle of university life ... Rejecting intolerance and always open to dialogue, a university is an ideal meeting-ground ...

4. A university is the trustee of the European humanist tradition; its constant care is to attain universal knowledge; to fulfil its vocation it transcends geographical and political frontiers …

In signing the document in 2010, the University of Melbourne noted that:

The document declares a commitment to the fundamental principles of university tradition, including moral and intellectual independence, the inseparability for teaching and research and the task of spreading knowledge to society throughout the world.

In calling on the University of Sydney to cancel the upcoming Israeli Research Forum, Dr Lynch broke with these deepest values of university traditions, allowing his political beliefs to overrule his obligations as a scholar and a teacher. Those associated with the BDS campaign that spoke to Dr Lynch to get him to cancel this forum stand condemned. The shadow minister for education and I have expressed our deepest concerns about the actions of Associate Professor Lynch and his supporters to the Vice Chancellor of the University of Sydney. We also voiced out strong support for the leadership displayed by the Deputy Vice Chancellor, Professor John Hearn, who rejected these calls for a boycott of this forum and defended the importance of academic freedom.

Our opposition to Dr Lynch's actions, as well as the targeting of Max Brenner's chocolate cafes—as promoted by the BDS campaign—is shared by Mr Izzat Abdulhadi, head of the General Delegation of Palestine to Australia. Mr Abdulhadi has made the acute observation that a BDS campaign is:

… sensitive to the Jewish people (because) in 1937 their businesses in Europe were boycotted.
The coalition is firmly of the view that the Boycott, Divestment and Sanctions campaign is counterproductive to the promotion of the rights and interests of the Palestinian people. I believe that this Boycott, Divestment and Sanctions regime against Israel will only serve to inflame tensions on all sides, harming the chances of a peaceful resolution to the long-running conflict in the Middle East. There is enough emotion on both sides to damage the fragile path to peace without being recklessly stoked by these protesters and their supporters.

In introducing this motion, the coalition also desires to reiterate Australia's strong support for the two-state solution and the right of the Israeli and Palestinian people to live peacefully within internationally recognised borders. We urge leaders of both sides to resume direct negotiations. There can be no illusion. If peace is to succeed, hard decisions must be made. This includes difficult sacrifices by both sides. It is important that the pressing matter of Palestinian statehood is progressed in the spirit of open, constructive and, most importantly, cooperative dialogue. Unilateral efforts on behalf of one side will only build greater levels of distrust. There is no easy solution to this issue—only shared ones.

We call on the government to make plain its position in relation to the vote at the United Nations on the question of Palestinian statehood. There is some confusion, given the reports that the foreign minister has advised the Prime Minister to abstain on a vote, and reports that the Prime Minister intends to oppose. For the interests of Australia's reputation and for our long-held foreign policy positions, the government must clarify this position immediately.

At the United Nations Australia has long fought to end the institutional discrimination against the state of Israel, as evidenced by our response to the 2001 Durban antiracism conference. When in government the coalition was consistent in opposing one-sided United Nations resolutions against Israel, choosing not to sacrifice long-held foreign policy values in pursuit of temporary gain. At the same time, we played an important role in supporting the Palestinian people. The Howard government contributed much-needed financial assistance to aid development in areas such as agriculture, provided vital shelter for refugees and advanced the reconstruction of health and education services. This assistance, which has been continued by the Rudd and now Gillard governments, aimed to support the Middle East peace process through reducing the vulnerability of the Palestinian people to poverty and conflict.

The actions of the Howard government were based on an awareness that, while Australia will not play a major part in the peace process in terms of direct involvement, we can play a positive and constructive role in support of the conditions which are required for peace to take hold. The coalition is of the view that both parties share responsibility for rebuilding the mutual confidence on which any resumption of negotiations has to be based. Unilateral action will not, in my view, progress the current process.

This motion specifically condemns the boycott, divestment and sanctions campaign against Israel and we look forward to unanimous support from the members of this House. This motion also condemns the targeting of Max Brenner chocolate cafes as part of the campaign and other stores which I indicated have been targets of this campaign. We look forward to the unanimous support of this House in that regard.

This motion also rejects the BDS campaign as counterproductive to the promotion of the rights of Palestinians. Not only is it harmful to the interests of the Israeli people and the state of Israel; we believe it is counterproductive to the promotion of the rights of the Palestinians. This motion also reiterates Australia's support for the two-state solution and the right of the
Israeli and Palestinian peoples to live peacefully within internationally recognised borders. I look forward to the unanimous support of the members of this House on that issue.

Finally, this motion seeks to urge the leaders of the Israeli and Palestinian peoples to resume direct negotiations. We believe that is the only way that a lasting peace can be achieved. I commend this motion to the House.

Mr DANBY (Melbourne Ports) (12:18): I want to congratulate the member for Curtin and opposition spokesperson on foreign affairs for moving this resolution. Over the last few months I have been travelling around Australia from South Melbourne in my electorate to Newtown in Sydney and to Southbank in Brisbane, where prominent leaders of politics and the media in Australia have been having a hot chocolate at Max Brenner's to show the opposition of mainstream Australia to this boycott campaign that the member for Curtin has raised in this resolution. Every Max Brenner shop I have gone to—including in Brisbane with the estimable member for Blair, who is sitting here with me—has been packed full with couples and friends. None were there for political reasons; they were enjoying each other's company and some hot chocolate.

Max Brenner is actually an Australian company that employs hundreds of employees and is going about its lawful business. The boycott protests are very movingly described by a young Australian woman in South Melbourne as 'more than simply a boycott'. They are loud, aggressive and angry, and they amount to intimidation. Seldom have I seen such a reaction from the overwhelming mainstream of Australian political and public life. I think that is because, as the member for Blair knows, deeply etched in Australia's memory are those black-and-white films of the Nazi boycott of Jewish commerce in 1930s Germany. That is why an average Australian, such as sports broadcaster Ben Fordham—and I would urge every Australian to listen to his interview with Greens Senator Lee Rhiannon about her support for the boycott campaign—gets stuck into militants who chant outside Max Brenner's chocolate shops, 'From the river to the sea, Palestine will be free.'

That is why the Deputy Prime Minister joined the member for Blair and me; the Minister for Broadband, Communications and the Digital Economy; the Parliamentary Secretary for Defence; Sydney Morning Herald columnist Gerard Henderson; and union leader Paul Howes—unions were decried by the member for Curtin; it is the only part of her speech that I disagree with. Indigenous leader Warren Mundine was also there. All of them were there to show that decent, middle-of-the-road Australians are opposed to these discriminatory boycott activities of this particularly militant group. There is no mention of Darfur in any of their activities, where many more people have been killed, or the 300,000 people in the gulag, North Korea, or the tens of thousands of people caught up in the tragic situation in Tibet where nine young religious people have immolated themselves in the last month.

As Austen Tayshus said on Q&A to Senator Rhiannon, 'Thousands of people have been shot in Syria over the last few months. Why aren't you leading a boycott there?'

The boycott was founded by the Palestinian activist Omar Barghouti in 2003, specifically to oppose the moderate two-state solution that all mainstream political parties in Australia support. He said:

Good riddance! The two-state solution for the Palestinian-Israeli conflict is finally dead. But someone has to issue an official death certificate before the rotting corpse is given a proper burial …
This discriminatory boycott came to prominence during last year's New South Wales election, when Marrickville mayor Fiona Byrne introduced a one-sided motion calling on Marrickville council to boycott all Israeli made goods. Senator Lee Rhiannon is of course a member of the New South Wales wing of the Greens political party and was a key supporter of this campaign. She wanted to extend the boycott even further, beyond the New South Wales election.

Senator Rhiannon recently told a 'Politics in the Pub' meeting in Sydney that she wanted to extend the boycott to the federal parliament. It was irrational for a local council to pass motions on foreign policy and to support a boycott. It is absurd and illogical to pass one only against Israel, the only democracy in the Middle East. It is ironic, as the member for Curtin pointed out, with Dr Lynch, at the Sydney University Peace Institute, and with the Greens political party and some of the more militant activists who support this activity, that they are protesting against the only country in the Middle East that protects the rights of gays. There is the rule of law there where women have complete equality and where there are minorities. There are nearly 20 Arab members of the Israeli Knesset at the Israeli parliament. You do not see minorities represented like that in other countries in the Middle East. It is plainly ludicrous.

Recently experts from around the world agreed that Israel is a laboratory for eco-innovation and can serve as a platform for other countries looking to harness sustainable technology. In five weeks time, Professor Daniel Shechtman, from the Israel Institute of Technology, will receive the Nobel Prize in Chemistry. Of the nine Nobel Prize winners this year, five are Jewish. With respect to winners of the Nobel Prize in Economics, 42 per cent were Jewish; Nobel Prize in Medicine, 27 per cent were Jewish; and Nobel Prize in Physics, 25 per cent were Jewish.

As Israeli ambassador Yuval Rotem pointed out in a wonderful speech last week:

So where are all those on the fringe left; where are the academics, where are those members from the New South Wales Greens Party who think that boycotting the country of ground-breaking innovations, life-saving medications and grand contributions to man-kind will change the world for the better?

Perhaps these hate-mongers are too busy picking out bits of their computer hardware, invented and manufactured in Israel. Perhaps it is more time consuming than they first thought, removing all the drugs from their medicine cabinets that were created and developed in Israel.

As we saw in Brisbane and in Melbourne a few weeks ago, some of the protestors outside Max Brenner are anything but peaceful. Their chant "from the river to the sea," as I pointed out, is the Hamas extremist cry for a one state, an Islamist state, between the Jordon River and the Mediterranean. They are not peaceful protesters calling for a Palestinian state next to Israel; they have a discriminatory attitude which should not be tolerated. They seek to boycott businesses such as Revlon and Westfield—I have their booklet here—simply because the chair of Revlon is Jewish and because Frank Lowy is Jewish. They advocate a boycott of the Beersheba dance company and the Israeli Philharmonic Orchestra. What would you rather see—the Beersheba dance company and the Israeli Philharmonic Orchestra or a protest by some of these crazy groups outside Max Brenner shops?

They seek to boycott the Max Brenner shops because they claim those shops are owned by the Strauss Group. In fact, any company search here will show that Max Brenner is an independent Australian company. The Strauss Group happens to own another chocolate
company in Israel called Elite, which puts chocolate products into reserve packs for soldiers. That is the extent of the connection between the protests here and what really happens over there. At the time the Marrickville motion was passed, Prime Minister Julia Gillard described it as 'stupid and repugnant' and said that:

Israel is a democracy with whom we have a long-standing relationship … anyone who stands in the way of that is doing the wrong thing.

Other government ministers have lambasted the Greens and Fiona Byrne for their boycott campaign.

I call on Senator Brown not to back his rogue senator, Lee Rhiannon, in her plan to extend the boycott beyond the activities taking place outside the Max Brenner shops. Senator Brown has reprimanded Senator Rhiannon in the past for her support of the boycott campaign and has stated that the Greens support a two-state solution. This boycott campaign does nothing to promote such a two-state solution. In fact it hinders the process by promoting hate. Both the Liberal and Labor parties support a just two-state solution to the Middle East peace process and we have done so from the beginning. The original resolution which Australia voted for in 1948 was for an Arab Palestinian state next to an Israeli Jewish state.

As the member for Curtin pointed out, the Palestinian representative in Australia, Abdulhadi—the head of the General Delegation of Palestine to Australia—to his great credit rejected the violent element in the boycott campaign. I think it is very interesting that an actual representative of the Palestinians understands the hurt and fear that emanates from such a boycott of commerce and the historical resonance that it has—he appears to understand this much better than some of the extreme Left people who are involved in that campaign. Mr Abdulhadi is a person whom I have debated before and he is an example of the fact that there are many Palestinians who want a peaceful and just solution to the Middle East situation. He is, as Margaret Thatcher said of Mikhail Gorbachev, the kind of person we can do business with'.

This campaign is seen by some as coupled with the unilateral Palestinian bid for statehood. Both of them undermine negotiations which would actually advance the two-state solution in the Middle East. It is very interesting that the unilateral bid for Palestinian statehood has not gone very far internationally. It seems that the international community is tiring of one-sided solutions or one-sided advocacy in this area. It is most interesting that, given the make-up of the United Nations, it seems there are not nine votes at the Security Council for this unilateral announcement of a Palestinian state. I think what that is showing is that the international community—certainly mainstream countries such as Australia, Canada, Germany and most other European countries—more and more favours a negotiated arrangement between the two parties. My feeling is that the bid by the Palestinians to go to the Security Council will not progress and that they will then take their bid to the General Assembly. Of course, with the automatic majority of the organised Islamic countries and the Arab League, this will probably pass. But I think many countries like Australia will have a chance to stand up and say that this is not the way to approach peace in the Middle East. Unless there is a determination by the international community to involve direct negotiations between the parties, this is not a resolution that Australia should support. That view has been very clearly put by the Prime Minister. In many countries around the world—for example, the US congress—there has been
great concern that, while there are things on the table for direct discussions between the Israelis and the Palestinians, this bid would be tried to be pushed through the United Nations.

In a book that Condoleezza Rice has just published she recounts the fact that she was present with former President Bush, former Israeli Prime Minister Olmert and Mr Abbas when Mr Olmert offered an extensive compromise which would have seen 95 per cent of the West Bank become a Palestinian state and territorial exchanges to compensate for suburbs around Jerusalem that would remain part of an Israeli state—the existing state of Israel being given to the Palestinians to compensate them for those four or five per cent of territories around Jerusalem. That is a practical way of this issue being advanced. It is a great shame that Mr Abbas did not take up that opportunity when it was offered to him. I commend both Mr Olmert and Condoleezza Rice for pointing out that that was offered. I have previously tabled in the parliament the map that he offered, and it is available to anyone who wants to follow this debate. It is extensive; it is fair; it is comprehensive; and it in fact gives the Palestinians the equivalent of 100 per cent of the territory of the current West Bank.

My program for a peaceful resolution between the two parties is for Mr Abbas to get in his car in Ramallah and drive to Mr Netanyahu's office, put the Olmert plan on the desk and say, 'Let's do it.' That would have a lot more support amongst the Israeli people and would have much more support from the international community than this attempt to force through a one-sided resolution at the Security Council or the general assembly with their automatic majority. Go to an election, Mr Abbas, and get a mandate again. You have not been elected since 2006, even by any standard of international political legitimacy. Put the plan back on the table, negotiate directly and let us finally achieve peace for the two parties in the Middle East.

Ms O'DWYER (Higgins) (12:33): I rise to speak on this motion and join with my colleagues on both sides of the chamber to advocate very strongly that we condemn this boycotts, divestment and sanctions campaign that has been so insidiously waged here in this country. The BDS is designed to economically destroy any business that has a connection with the democratic state of Israel and forbids any trade with businesses or organisations that trade with Israel. At its very heart the campaign is aimed at the delegitimisation of the state of Israel.

Having failed to destroy the state of Israel through war and terror, those who are committed to her destruction now use weapons of a different kind. At the second conference of the Inter-Parliamentary Coalition for Combating Antisemitism last year in Ottawa, the Canadian Prime Minister, Stephen Harper, said:

... when Israel ... is consistently and conspicuously singled out for condemnation, I believe we are morally obligated to take a stand. Demonisation, double standards, delegitimisation, the three Ds, it is the responsibility of us all to stand up to them.

The BDS campaign has seen businesses in my home town of Melbourne subject to hateful protest, where patrons are prevented from entry or exit from a business, where they are subject to verbal abuse and intimidation and where violence has occurred. In the case of one such business, the chocolate shop Max Brenner, this has occurred on more than one occasion. What is the offence? Why are they subject to this BDS campaign? It is because, according to these protestors, it is 100 per cent owned by an Israeli company which, according to protestors, is too pro-Israel. These protestors claim that they are part of a peace movement,
that they are pro-Palestinian, but they are anything but. They are anti-Israel and, dare I say it, many of them are anti-Semitic.

The BDS, when applied, would mean quite the reverse for these Palestinian groups. It would mean that support for charity groups like Shevet Achim, which sends Palestinian babies with congenital heart defects to surgery at acute centres in Israel, would be completely caught up in this BDS campaign, as would the AFL Peace Team, which matches Israelis and Palestinians together in the AFL International Cup. These would be banned. These are groups that are intended to bridge the gap, but instead this BDS widens it.

Singling out private businesses in response to foreign policy is not only incredibly offensive but also extremely counterproductive and wrong. Secondary boycotts are contrary to freedom of association. I think it is incumbent upon us to look at this movement, not only from a global perspective, but also from how it sprang up here in Australia. At its heart it has been, as my colleague on the other side of the chamber has said, most notoriously advocated for through the Marrickville Council. It has also been advocated for through prominent members of the Greens and through a number of people within the union movement as well.

This motion today is a real test for the Greens. It is a test of Adam Bandt, the member for Melbourne. He needs to declare where he stands on this issue and where the Greens stand on this issue. The BDS is a truly insidious campaign. It is also time that the Leader of the Greens, Senator Bob Brown, rejects this violent and ignorant campaign to delegitimise Israel and instead declare Israel's right to exist in peace. Senator Brown needs to condemn this campaign, which is supported by his new Greens senator Lee Rhiannon, just as leaders of the union movement should also condemn this campaign, and not only condemn it but have nothing to do with it.

Israel, as we know, is a lone beacon of democracy in the Middle East. We hope that she will not be a lone beacon for much longer but we must be mindful that in the tumult of the Middle East anything is possible. The unity between Hamas and Fatah is something that we should be deeply concerned about. Hamas is a group that represents the antithesis of democracy and peace and is very much behind this worldwide campaign to delegitimise the State of Israel. It celebrates the terrorist Osama Bin Laden as a holy martyr and it actively opposes Israel's right to exist and is committed to her destruction. In its very charter it has at its centre the fact that it wants to destroy the State of Israel and is committed to killing Jews wherever it finds them.

Last year I visited Israel with the Australia Israel Leadership Forum with a number of people from both sides of this chamber, a number of people from business and also the media. We went to Ramallah to meet with a number of Palestinians. What was incredibly interesting in the conversation we had with them was that they openly declared that they were swapping some of their former heroes, like Che Guevara, and were instead wrapping up their campaign and associating it with human rights leaders such as Gandhi and Martin Luther King. We know, though, that this association is completely false. There is no human rights element in this delegitimisation of Israel or in this BDS campaign, and such an association is repugnant to any right-thinking person.

Australia and Israel have so much in common. We share a great democratic tradition, and it is vital that we support these democratic traditions and support freedom in the Middle East, whether for Arabs, Jews or Christians. I think it is very important as well that we stand
together to condemn this BDS campaign, which would do so much to cause harm to unity in the Middle East and to the advent of peace and a peaceful two-state solution.

On Sunday, 4 September this year, I stood shoulder to shoulder with other Liberal MPs—including federal MPs Senator Mitch Fifield, Senator Scott Ryan and Josh Frydenberg, along with state MPs David Southwick and Elizabeth Miller—as well as the Australian Liberal Students Federation and the Young Liberals in condemning this campaign. I know that there are others across the chamber, such as the member for Melbourne Ports, who have also been very vocal in condemning this insidious campaign. We stood together on the steps of the State Library of Victoria to speak out about the violence and hate that have been preached in the name of peace. We joined together for a cup of hot chocolate at the Max Brenner chocolate shop, which has been the target of so many of these protests.

I would like to conclude today by echoing the words of the Prime Minister of Israel, who said earlier this year to the United States congress:

We stand together to defend democracy. We stand together to advance peace. We stand together to fight terrorism.

We should also, in this chamber today, stand together to condemn this boycott, because this boycott is not for peace. This boycott is for hate, and this boycott is insidious and wrong in the way that it will harm the interests not only of Israelis but also of Palestinians and all those who support a peaceful two-state solution.

Mr NEUMANN (Blair) (12:42): We have seen enormous change in the Middle East: uprisings and aspirations for freedom, liberty and democracy in places like Tunisia, Libya and Egypt that I never thought I would see in my lifetime. There has been silence from so many people who were advocating the boycott, divestment and sanctions campaign in relation to the aspirations of people from the Middle East in Arab countries seeking the kind of liberty that we enjoy in this country. This campaign, initiated back in July 2005 by many Palestinian organisations, had a number of stated goals, but one of them was, of course, the end of what they say is Israel's occupation and colonisation of all Arab lands. This is simply nonsense. What is happening here is some far-left groups selectively picking on a democratic country in the Middle East—namely Israel—for their own political agenda.

Israel, like Australia and a lot of other countries in the West, is not perfect. No nation in the world is perfect when it comes to the way it runs its economy or in terms of justice, equity and fairness. But Israel, for all its failings, faults and foibles, has been a great and consistent friend of Australia in the Middle East and in the Western world, standing up against the tyranny of communism and against dictatorship. So many people who have been advocating the boycott, divestment and sanctions campaign have been silent when authoritarian, fascist and communist regimes in Asia and Africa—terrible regimes like that of North Korea, for example—have been perpetrating terrible iniquities upon their people. They have been silent because they have been selective. There is also a certain selectivity of economic consequence. For example, many Palestinian people work with and for Israeli businesses. There is significant trade, commerce and intercourse between the West Bank and the state of Israel, but I do not see the boycott, divestment and sanctions movement picketing Israeli businesses in Israel or in the West Bank, guarding the portal saying, 'Don't go across there; don't work for Israeli businesses.'
There is a real sense of hypocrisy here in relation to this particular campaign. The Australian government has been absolutely consistent in being committed to peace and security in the Middle East and in supporting progress. We have been vigorous in supporting humanitarian efforts and in institution-building assistance. Since 2007 this federal Labor government has provided nearly $170 million in assistance to the Palestinian Authority and refugees. In fact, we are the 10th-largest donor to the United Nations Relief and Works Agency for Palestinian Refugees in the area. We have a good and consistent record, and I concede that on both sides of politics there has been bipartisan support for the state of Israel. Australians are friends of Israel, and after World War II we took about 35,000 people from a Jewish background who were fleeing Europe and the terrible holocaust of the Nazi dictatorship in Germany.

I recently read a biography on Dietrich Bonhoeffer, a wonderful, great German theologian who, two days after Hitler came to power, was on national radio denouncing the Nazi regime and Hitler. But they cut him off while he was speaking. He was like the spiritual person or mentor to the Valkyrie attempt to get rid of Hitler. As I was reading the book I was struck by the correlation, if I can put it that way, between what happened to the Jewish people in Germany and what seems to be advocated here. No-one says that you cannot engage in lawful protest and no-one says that you cannot go about saying that you disagree with the political stance of a business, an individual or an institution. But you cannot go around preventing people from going about their lawful business or preventing people from being patrons of a store such as Max Brenner. To engage in the kind of thuggery we saw in Melbourne, where 19 people were arrested and three police officers were injured, is a disgrace. In fact the BDS campaigners deserve all the criticism that was levelled at them in relation to that particular event.

The member for Melbourne Ports asked me, along with the Deputy Prime Minister and the member for Oxley, to come to Max Brenner in Brisbane. I was very happy to stand with him—and I have to say that the hot chocolate was pretty good that night. I was there in Brisbane on 28 August—

Mr Danby: Big crowd.

Mr NEUMANN: It was a very big crowd indeed; I agree, and I commend the member for Melbourne Ports for his advocacy on this issue. Also present at the chocolate shop was the Ipswich mayor, Paul Pisasale. Paul is very good when it comes to being in the media—I accept that—but Paul also has had a very strong hand and consistent position on this issue. The Chamber of Commerce and the Ipswich City Council have also had a lot of dealings with businesses in Israel and have been very strong advocates, as have the member for Oxley and I, because we believe that Israel is a good friend of Australia and that Australia is a good friend of Israel.

It is not just the selectivity of these campaigners and their far left Green agenda they seem to be pushing; they seem to be protesting against businesses like Revlon and Westfield for tangential reasons. I was happy to be at what I would describe as the counter protest. It was a lawful, peaceful protest, drinking chocolate, and I know a number of members of both sides of the House were at various locations in Melbourne, Sydney and Brisbane. I note that there has been criticism of what has gone on. In October 2011, Izzat Abdulhadi, Head of the General Delegation of Palestine to Australia said that he is against the full-scale BDS
campaign. In particular, he expressed his frustration, if not anger, at the violent protest at the Max Brenner stores in Australia. He said:

BDS is a non-violent process and I don't think it is the right of anybody to use BDS as a violent action or to prevent people from buying from any place.

While I do not agree with the BDS, I certainly agree with the sentiment. People should not have the right to engage in violent activity.

In the 21st century there is no place for targeting businesses in this country that have a tangential impact with what I would call 'Jewishness' in the Australian economy or in Australia's community life. This challenges our ethics, values and morals in this country, and what we think about democracy and liberty. I know a number of Labor politicians, Labor union leaders and Labor identities have been involved in standing against the BDS campaign: Warren Mundine, a former president of the Australian Labor Party; and Paul Howes, the general secretary of the Australian Workers Union. We also saw the Foreign Minister Kevin Rudd involved. I applauded them for standing up for liberty, democracy and the right of a business to go about its lawful activities.

I do not really believe, at its heart, this BDS campaign is about economic pressure because of the inconsistencies I have raised. I think it is about, as someone said previously, demonising and vilifying Israel. I agree with the member for Higgins about the anti-Semitic aspects of some of these campaigns; I am worried about that too. I note Senator Bob Brown has distanced himself somewhat. But this stance is still being advocated by the New South Wales Greens. It was only fairly recently the Marrickville Council in Sydney overturned its sanctions against Israel. What does a council have to do with it? It should be engaged in roads, rats and rubbish, in my view. That would make a lot more sense to the people who live in that particular region than sanctions becoming a political stance. I think it is important that we say this. The union leader Paul Howes summed it up brilliantly and succinctly when he said:

If they—

anti-Israeli protesters—

are trying to equate the campaign against apartheid in South Africa with a campaign against a Jewish chocolate shop, they've got rocks in their head.

I think he is absolutely correct. I would call on the Greens leader Bob Brown to distance himself from the BDS campaign in a strong way and sanction Greens senator Lee Rhiannon, who previously backed this particular campaign. I think we need to take a stand. I applauded the member for Curtin but I disagree with her comments on the trade union movement. (Time expired)

Mr FLETCHER (Bradfield) (12:53): I am very pleased to have the opportunity to speak on this motion to condemn the boycotts, divestment and sanctions campaign against Israel. I do so firstly as the member for an electorate which has a large and vibrant Jewish community, particularly but not exclusively in the suburb of St Ives. Indeed, the seat of Bradfield has the second largest Jewish community in New South Wales, second only to the seat of Wentworth. We are also fortunate to have, within the boundaries of the electorate, a Max Brenner store. One of the absurdities which this motion correctly identifies is the truly ludicrous idea of targeting a chocolate cafe as part of some purportedly high-minded campaign.
The most important reason for which I am very pleased to have the opportunity to speak on this motion is that I do so as a citizen and as a parliamentarian in a democracy which upholds key values of tolerance, of human rights and of the rule of law. On all of these grounds, I unreservedly condemn the so-called campaign of boycotts, divestments and sanctions directed against Israel and against businesses with Israeli ownership or an Israeli connection. To see how absurd, how offensive and how Orwellian this campaign is let me quote from the media release issued by Marrickville Council, about which we have heard a little already, in January this year:

Marrickville Council has adopted a resolution that will preclude the purchase of goods or services provided by those organisations or companies that do business in, or with, Israel.

The Global Boycott, Divestment and Sanctions (GBDS) campaign is a world-wide movement that seeks to end human rights violations.

Marrickville Council Mayor Fiona Byrne said …

'The support for the GBDS recognises the role of Council in promoting universal respect for human rights and the protection of democratic principles with a view to ending human rights injustices and violations' …

As previous speakers have noted, this resolution appears to overlook the core roles of council of collecting rubbish and efficiently processing development applications. Anybody who knows anything about Marrickville Council could have a lengthy discussion on that topic but that is not the topic for discussion today. Let us examine some of the absurd, illogical contradictions in the statement by Marrickville council.

I remind the House that Israel is a functioning and highly successful multiparty democracy. If the BDS proponents are serious about their stated principles, why are they not targeting Iran or Syria or any one of a range of unsavoury regimes which intimidate, repress and murder their own people? How do we make the leap in logic from Marrickville council apparently supporting universal respect for human rights to the council supporting a campaign which targets one set of alleged human rights violations in one particular country—quite without proof, it must be added. What about such basic human rights as the freedom of association and the freedom to carry on one's work and business without thugs using violence to prevent you from doing so, which of course has been the unfortunate experience of those Max Brenner stores which have been targeted. I need hardly remind the House that 19 protesters were arrested and three policemen were injured earlier this year when a rally outside a Max Brenner store in Melbourne turned violent.

As other speakers have correctly noted, it is extremely troubling that we are seeing in Australia the same kind of anti-Semitic targeting of Jewish businesses that was a technique of the Nazi regime. The risk of anti-Semitism is something against which we must always be on guard. It is troubling that, as the New South Wales Jewish Board of Deputies has noted, the Occupy Wall Street movement has also included some troubling suggestions of anti-Semitism, and it is deeply troubling that a municipal council would associate itself with the boycott, divestment and sanctions movement. I am sorry to say that I am not surprised that there was involvement by the Greens in this unsavoury episode. This appalling action was championed by Fiona Byrne, Mayor of Marrickville and of course a Greens candidate for the New South Wales state election in March 2011.
The issue here is not the need for a two-state solution. The coalition strongly supports the two-state solution and the right of the Israeli and Palestinian people to live peacefully within internationally recognised borders. The issue here is appropriate and civilised conduct, and this conduct fails to meet the standards. (Time expired)

Mr MURPHY (Reid) (12:58): More than 10 per cent of my constituents are of Muslim faith and about six per cent are of Middle East background. In a letter to former Israeli Prime Minister Yitzhak Rabin in 1993, former PLO Chairman Yasser Arafat wrote:

The PLO recognizes the right of the state of Israel to exist in peace and security. The PLO accepts United Nations Security Council resolutions 242 and 338. This commitment was never reciprocated by Israel, which has not recognised the state of Palestine or accepted resolutions 242 and 338, which require Israel to withdraw from the 1967-occupied territories. The Palestinians are annoyed that two decades of face-to-face talks between Israel and the PLO have not delivered Palestinian national aspirations but have prolonged and deepened the Israeli occupation while making Palestinian institutions weaker. The failure of the United States to mediate a peace agreement has led the Palestinian leadership to conclude that, although it has done everything that was asked of it, from recognising Israel, maintaining security and institution building to continuing peace talks, the West has not delivered its end of the bargain. Some people have denigrated the Palestinian application to the United Nations as a unilateral move for statehood or a move to delegitimise Israel. Neither is true. It is not even the preferred course of action of the Palestinian leaders. The credibility of Palestinian Authority President Mahmoud Abbas is based on a promise to bring change through peace negotiations. The failure of the peace process to deliver anything for the Palestinians has led Mr Abbas to try the UN strategy. He has said repeatedly that the United Nations bid is a measure of last resort and he prefers direct bilateral negotiations with Israel.

The Palestinians under military occupation want freedom and human rights. With the peace process at a dead end, many Palestinians have concluded that perhaps there are no peaceful options remaining. The leadership's UN bid was partly in response to this popular pressure. The Palestinians' chief negotiator, Saeb Erekat, said that, until Israel and the United States can pursue the peace process more seriously, the option of a two-state solution must be preserved despite the fact that this option is disappearing under the never-ending expansion of Israeli settlements, checkpoints, restrictions on movement and confiscation of land. The head of the General Delegation of Palestine to Australia and New Zealand, Mr Izzat Abdul Hadi, has emphasised the need for a two-state solution.

In 2005, on the first anniversary of the ruling by the International Court of Justice that the Israeli concrete wall is illegal and should be removed, frustrated Palestinian NGOs and trade unions called for a boycott, divestment and sanctions—BDS—targeted at Israel with the stated goals that:

These non-violent punitive measures should be maintained until Israel meets its obligation to recognize the Palestinian people's inalienable right to self-determination and fully complies with the precepts of international law by: 1. Ending its occupation and colonization of all Arab lands and dismantling the Wall; 2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and 3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194.
Boycotts have a long tradition over the centuries. The BDS movement has caught on around the world. I note Archbishop Desmond Tutu as a prominent supporter.

The reality of the BDS movement in Australia is that it has been captured by political parties whose main agenda is not the welfare of the Palestinians under occupation or for a peaceful solution in the Middle East. The Palestinian Authority has distanced itself from the civilian BDS movement except for advocating a limited boycott against companies actually operating in illegal settlements. It does not support general boycotts against Israel, because boycotts are incompatible with negotiating a two-state solution.

When the issue of Palestinian statehood rose again recently, the feedback to my office from the Arab community and all its supporters was limited but consistent: they want Australia to recognise the state of Palestine as part of the two-state solution to the conflict and they oppose the use of violence by those who have taken over the BDS movement. A boycott must be voluntary and peaceful; otherwise it is not a boycott but merely coercion. *(Time expired)*

Debate adjourned.

**BILLS**

**Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011**

Consideration in Detail

Bill—by leave—taken as a whole.

**The DEPUTY SPEAKER (Mrs D'Ath):** It may suit the committee for any proposed amendments to be moved and for the question on each amendment or group of amendments to be deferred until the conclusion of debate on all amendments. This would allow any interested member to speak to any amendments that had been moved. After the committee has debated any amendments moved now and also this evening, questions on the amendments or group of amendments proposed by members will be adjourned to a future day.

**Ms VAMVAKINOU (Calwell) (13:04):** by leave—I move government amendments (1) to (10):

1. Schedule 1, item 1, page 3 (line 7), omit "first diagnosed", substitute "sustained".
2. Schedule 1, item 1, page 3 (line 10), at the end of paragraph 7(8)(c), add "and".
3. Schedule 1, item 1, page 3 (after line 10), after paragraph 7(8)(c), insert:
   (d) in the case of a cancer of a kind covered by item 8 of the following table—satisfies the conditions (if any) prescribed for such a cancer;
4. Schedule 1, item 1, page 3 (line 11), omit "is taken to have been the dominant cause of", substitute "is, for the purposes of this Act, taken to have contributed, to a significant degree, to".
5. Schedule 1, item 1, page 3 (lines 17 and 18), omit "several periods", substitute "2 or more periods".
6. Schedule 1, item 1, page 3 (line 19), omit "period.", substitute "period; and".
7. Schedule 1, item 1, page 3 (after line 19), at the end of subsection 7(9), add:
   (c) an employee is taken to have been employed as a firefighter only if he or she was (disregarding the effect of any declarations under subsection 5(15)) employed as a firefighter by the Commonwealth, a Commonwealth authority or a licensed corporation.
8. Schedule 1, item 1, page 3, after subsection 7(9), insert:
(10) Subsection (8) does not limit, and is not limited by, subsections (1) and (2).

(9) Schedule 1, page 3, at the end of the Schedule, add (after item 1):

2 Review of amendment
(1) The Minister must cause an independent review of the operation of the amendment made by item 1 to be undertaken and completed by 31 December 2013.
(2) The person who undertakes the review must give the Minister a written report of the review.
(3) The report must be published on the Department’s website.

(10) Schedule 1, page 3, at the end of the Schedule, add (after proposed item 2):

3 Application
The amendment made by item 1 applies in relation to a disease that an employee sustains on or after 4 July 2011.

The DEPUTY SPEAKER: In accordance with the wish of the Main Committee, the question that the amendments moved by the member for Calwell be agreed to is deferred until after debate has concluded on all amendments.

Mr BANDT (Melbourne) (13:04): I move Greens amendment (1):

(1) Schedule 1, item 1, page 3 (after table item 7), delete table item 8 and insert:

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<table>
<thead>
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<td>8</td>
<td>Multiple myeloma 15 years</td>
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<td>9</td>
<td>Primary site prostate cancer 15 years</td>
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<td>10</td>
<td>Primary site ureter cancer 15 years</td>
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<td>11</td>
<td>Primary site colorectal cancer 15 years</td>
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<td>12</td>
<td>Primary site oesophageal cancer 25 years</td>
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<tr>
<td>13</td>
<td>A cancer of a kind prescribed for this table The period prescribed for such a cancer</td>
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I reserve my right to speak.

The DEPUTY SPEAKER: In accordance with the wish of the Main Committee, the question that the amendment moved by the member for Melbourne be agreed to is deferred until after debate has concluded on all amendments.

Ms VAMVAKINOU (Calwell) (13:04): It is great privilege to speak to this bill and to have moved these important amendments on behalf of the government. This is a significant moment for the professional firefighting community in their quest for presumptive legislation as today this parliament moves to deliver the legislative framework necessary to protect Australian firefighters from the health hazards posed to them by the very profession they serve with such courage and professionalism.

I would like to take this opportunity to acknowledge the work of the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, Senator Chris Evans. I also commend the bipartisan support of the member for Melbourne and the Member for McMillan and the work of Senator Gavin Marshall, who chaired the Senate inquiry. I thank them for their contribution to this very important issue.

The government supports the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 and will table several technical amendments to ensure that it operates in a fair and sustainable way and that it is consistent with the requirements under the rest of the Safety, Rehabilitation and Compensation Act. Every day firefighters risk...
their health and safety to protect the lives and property of other people. Their contribution to
the community cannot be underestimated. The government therefore supports the removal of
any unnecessary barriers to firefighters having their workers compensation claims recognised.
The amendments that the government will move today have been the subject of consultation
with the ACT government, who is a major employer of firefighters covered by this bill, as
well as the United Firefighters Union.

Item 1 will replace the term 'first diagnosed' with 'sustained', which is the terminology
already used throughout the act and which determines how the date of an injury is to be
determined. The government will also move an amendment to allow additional conditions to
be attached to cancers which might be added over time by way of regulation. Subject to
passage of the bill, the government intends to prescribe primary site lung cancer. This is
consistent with the Senate Education, Employment and Workplace Relations Legislation
Committee's recommendation and North American firefighters' legislation. However, also in
line with North American firefighters' legislation, the addition of primary site lung cancer will
be limited to nonsmokers. The proposed amendment will allow that condition to be included,
which the government intends to develop in consultation with experts and key stakeholders.

Item 4 proposes to replace the phrase 'dominant cause' in the current bill with 'significant
degree', which is the terminology currently used throughout the act. The government will also
move an amendment to replace the term 'several periods' with the phrase 'more than one
period'. This will avoid the risk of not covering firefighters who have accrued two rather than
several periods of employment.

Item 7 proposes an amendment that would further define 'firefighter'. The amendment
would limit the provisions of the bill to a firefighter employed by the Commonwealth, a
Commonwealth authority or a corporation licensed under the Safety Rehabilitation and
Compensation Act. The effect of this amendment would generally be to limit the bill to career
firefighters who are mainly involved in fighting structural fires. This reflects the current state
of scientific knowledge about the links between cancer and firefighting work.

Proposed item 8 clarifies that the bill does not limit an employee's right to have their claim
assessed under other provisions of the Safety, Rehabilitation and Compensation Act. The
government will also move an amendment to require an independent review of the bill to be
conducted by 31 December 2013. This is consistent with best practice regulation and will
require that a written report be provided to the minister and published on the departmental
website. Finally, item 10 will set an operative date for the legislation, with the new provisions
applying to diseases 'sustained' on or after 4 July 2011, the date the bill was introduced into
the House.

In moving these amendments, I would like to pay tribute to the late senior firefighter
Robert Reed, his widow Janet Reed and their children Sarah and Corey Reed. Robert passed
away in October 2009 as a result of kidney cancer. I also want to acknowledge those
firefighters who bravely shared their experiences with cancer, knowing they would not benefit
from this legislation. They are: station officers Dean Symanns and Phillip Wigg; leading
firefighters Scott Morrison, Mick Busst, Philip Brown, Ross Lindley and his wife Karen
Lindley; senior station officer Paul Henderson; and commanders Frank Besanko and Guy
McCrorie. I also want to acknowledge International Association of Fire Fighters General
President Harold Schaitberger, international expert and senior firefighter Alex Forrest and

MAIN COMMITTEE
distinguished fire chief Ken Block. I also acknowledge pioneers such as retired superintendent John Berry, who had the foresight to commission a report into cancer related illness in firefighters in 1991. I want to thank the National Committee of Management of the United Firefighters Union of Australia, who made available the expertise of various Australian firefighters who assisted the Senate inquiry. I also give a warm acknowledgement and thank you to Peter Marshall and his team for their tireless efforts. I commend the work of all those involved and welcome these amendments. (Time expired)

Mr McCormack (Riverina) (13:10): The Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 is seeking to introduce retrospective compensation for firefighters who are diagnosed with certain types of cancer, after qualifying periods of services.

Firefighters are an important part of our community and we all support and appreciate the wonderful work they do promoting fire safety and protecting people from fires. In any survey of ordinary everyday Australians as to the most trusted professions, firefighters always rate at or near the top, as should be the case. All Australians acknowledge, rely upon, respect and trust firefighters and the brave and remarkable work they do for our communities.

The coalition supports this bill, but it is important to note that it is for a very specific group of firefighters who are exposed to a specific number of fires with specific hazardous chemicals that can cause cancers. This bill will bring about change for around 2,800 firefighters, the majority of whom are employed by the Australian Capital Territory government. These firefighters are a very specific group who represent approximately eight per cent of the Australian firefighting labour force. The remaining firefighters are covered by the relevant state or territory workers compensation legislation.

The introduction of this presumptive legislation is to ensure the class of employees, namely firefighters, if employed for specific lengths of time can deem certain cancers contracted by them to be work related unless the contrary is established. For firefighters who develop the specified cancers as a result of their work, the cancer will be deemed to be work related and therefore compensation will be available.

The qualifying periods of employment highlight the length of time for which one must come into contact with these types of fires to qualify and indicates that most firefighters would never be exposed to the same levels that the qualifying firefighters will have been. The cancers and associated qualifying periods of employment as set out in the bill are: primary site brain cancer—five years; primary site bladder cancer—15 years; primary site kidney cancer—15 years; primary non-Hodgkin lymphoma—15 years; primary leukaemia—five years; primary site breast cancer—10 years; and, primary site testicular cancer—10 years. The amendment put forward will remove the onus of proof required for certain cancers. Instead of the employee having to demonstrate the illness is work related before they are compensated, it will be up to the employer to produce evidence that the cancer is not work related.

Whilst the coalition supports this bill, it is important to ensure that this legislation does not set a precedent for compensation claims by other industries or other firefighters who are not exposed to the same level of hazardous chemicals that can cause these harmful and deadly illnesses. Whilst firefighters do have access to workers compensation it has proven difficult to pursue some claims because of the unique nature of their workplace.
The coalition appreciates and understands these concerns and it is therefore supportive of this legislation. I know how many people in the Riverina have contacted me in relation to supporting this particular legislation, these particular amendments, to ensure that it is supported, and that it does go through, to support those firefighters in the dangerous work they do now and into the future so that they have peace of mind.

It is also important to remember that there are other channels for compensation for other firefighters and other workers in different industries who develop illnesses or are injured in the workplace. We do not need to introduce, nor should we introduce, legislation that is specific for each possible scenario when these measures are already provided for by states and territories.

Mr BANDT (Melbourne) (13:14): As foreshadowed when this bill, the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011, was in the main chamber when we last sat, the federal and ACT governments had raised a number of concerns about the operation of the bill. There was then to be a period of discussion during which we would consider how to deal with those concerns. A fortnight later, I am very pleased to be in a position where there are a set of amendments proposed by the government and supported by the Greens, and there is an amendment that I have moved that I understand will be supported by the government. The member for Calwell outlined the amendments well and went through the purpose of those amendments, so I do not intend to add to that. Those amendments will clarify issues around prospectivity, clarify to whom the bill applies and clarify the date from which the bill operates.

There is one matter, though, that I do wish to note briefly. In the course of the discussions, the ACT government raised the point that it wanted to make it clear that this bill and these amendments would apply to employed firefighters and not to volunteers, because there are a number of volunteers who are employed in the ACT government. Accordingly, that is reflected in these amendments. My position is that I hope that, if it is the case that, at some later stage, volunteer firefighters consider they can mount a similar, science based case to be included in this, then they are in a position to do that. Maybe the review of the legislation that is to be conducted, to be concluded by 31 December 2013, would be an appropriate opportunity to do that. It should be said that, when the bill was first introduced, it proceeded on the basis that we were talking about, where it applied to a very small group of employed firefighters, but that should not preclude those who feel they are in a position to make a similar, science based case coming back with that at some later stage. But they will not be included in this amendment, as I think everyone understands.

The amendment that has been circulated in my name, amendment (1), gives effect, broadly—with one exception—to one of the recommendations of the Senate Education, Employment and Workplace Relations Legislation Committee inquiry into this bill. The report of the committee noted that the number of cancers to be covered by the bill was substantially less than what is covered in other jurisdictions and, in particular, in Canadian jurisdictions. The Senate inquiry recommended that, were the bill to proceed, Australian firefighters should have the same—no less but certainly at least as much—cover as is given to firefighters in other jurisdictions. The science has advanced, and all of the cancers that I propose be included, as per my amendment, are supported by the science, according to the Senate committee inquiry and as reflected by the legislation in other jurisdictions.
The one exception I mentioned is lung cancer. Lung cancer will not be covered by this bill, and the primary reason for that is that there is not yet in Australian law an adequate definition of 'nonsmoker'. The Senate committee recommended that the reversal of onus and the presumption that this bill would enact only apply to nonsmokers who get lung cancer, but there is as yet no suitable definition of 'nonsmoker' in Australian law. As the member for Calwell indicated, that is something that the government will enact by regulation when there is a suitable definition of 'nonsmoker'. All interested parties will have the opportunity to contribute to the framing of that definition because it may have broader implications.

I would like to conclude by commending the approach taken by the government and the opposition in this matter. Minister Evans's office in particular has devoted a good deal of time to making sure that we come up with a solution that addresses the legitimate concerns of employers but also provides the support that firefighters in other jurisdictions are entitled to, in line with the Senate committee recommendations, which ought to be put in place. I commend the opposition for their stance on this. I think it would be a fitting end to this year to pass, with the support of everyone in the parliament, a bill that will give greater protection to those who protect us.

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (13:19): First let me say that I recognise that the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 covers a very small group of people, comparatively speaking, in the ACT. I also recognise that, where it applies to certain diseases, it will have time limits imposed on each of those diseases. I also recognise that it may not be quite as generous as the Canadian model. I also recognise that there will be ongoing studies before a definition of 'lung cancer' will fit comfortably within this legislation. I join with the Greens and government members in saying, however, that the general thrust of this legislation is very important.

I want to reiterate some of the points we have made leading up to these amendments. We do not always readily appreciate that firefighters carry out a number of duties. It is not just firefighting in the conventional sense of the word. In Queensland, for example, they have primary responsibility for fast-running river rescues. They put out grass fires, go into burning buildings, clean up toxic chemicals and confine fuel leaks. As we have seen with the legislation for people who worked at Maralinga during the atomic tests and legislation we are now considering for the people who worked on desealing-resealing the F111s, there are a lot of hazards that go beyond simple fires.

Although this applies to a fairly small group of people—initially in the ACT because others are covered by state legislation—if we get this right it will become benchmark legislation. No doubt others will look to this legislation—perhaps the states will review their legislation against ours and perhaps volunteer firefighters, who this is not proposed to cover at this stage, will also start to look to it. We need to recognise the sort of work that firefighters do. It does not just stop with racing into a building, although that is where firefighters are most vulnerable.

It is also good to reiterate the point about their clothing. Their clothing needs to breathe because of the intense heat that the firefighters sometimes face but because it breathes they are exposed to benzene, styrene, chloroform and formaldehyde. The prospect of firefighters attracting certain forms of cancer is higher. According to Alex Forrest, who is the Canadian trustee of the International Association of Fire Fighters, studies have shown that firefighters
have two to four times the level of some cancers compared with the general population. As the member for Melbourne said, the Senate committee 'is confident that a link between firefighting and an increased incidence of certain cancers has been demonstrated beyond doubt'. That brings us to this legislation that will apply largely in the ACT.

We need to recognise that there are a lot of Australians who have fought brain cancer, bladder cancer, kidney cancer, breast cancer, testicular cancer, non-Hodgkin's lymphoma and leukaemia. They are all deadly cancers that generally put a shudder through us. Firefighters meet those in their normal daily work. It is challenging. Having fought in other fields for people exposed to chemicals I support these amendments. I think they will go a long way to getting justice for a very important part of our community.

Ms PARKE (Fremantle) (13:24): I rise in support of the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 and the provisions the bill makes to ensure that the men and women of Australia's fire and emergency services are buffered to some degree against the financial and personal hardships that can result from working in the extreme and dangerous conditions they face on our behalf. By amending the bill, the government will remove the legislative barriers that currently obstruct access to workers compensation arrangements for approximately 2,800 firefighters, predominantly in the ACT, and will align the Commonwealth legislation with standards afforded to firefighters across Australian states and territories, standards which are provided as a right in countries with similar fire incidence profiles, like the United States and Canada.

When we think about the victims of fire, our thoughts turn to those who tragically lose their lives as a consequence of smoke inhalation or heat exposure. We do not think as often about the firefighters themselves, who can be affected by cancer decades after being exposed to the toxic carcinogens released through fire. The government understands that Australian firefighters have a higher rate of cancer than the general population, a finding that can only be attributed to the exposure of firefighters to carcinogens found in both structural and environmental fires. I was surprised to learn that even in bushfires, firefighters are exposed to cancer-causing substances such as polycyclic aromatic hydrocarbons and dioxins in the smoke. A 2008 study by Cornell University found that thermal decomposition of products such as wire coatings, rubber and vinyl tubing, in addition to chemicals generally released from brush forest and tyre blazes, significantly heightens the risk of breast cancer.

With the passage of this legislation, the government is ensuring that firefighters at risk of cancer will have ready access to workers compensation. This is really the least that can be done in terms of providing essential support at a time of significant distress to people who have given so much to our protection. As we look ahead, the climate science indicates a likely increase in the number and intensity of bushfires. That only reinforces the value of the government's work in better planning and coordination when it comes to fire avoidance and firefighting and the value of adequate protection, facilities and equipment for our firefighters.

In my own electorate of Fremantle, the federal government recently committed $1.5 million in partnership with the City of Cockburn to build a $3.7 million emergency services headquarters that will house both the Cockburn and South Coogee volunteer bushfire services. This is an incredibly welcome investment, especially in the context of the metropolitan bushfires that took more than 70 homes during Perth's last summer. My uncle and aunt's home was one of these.
Earlier this year the government established the Public Safety Mobile Broadband Steering Committee to investigate calls from the Fire and Emergency Service industry for a mobile broadband communications system. Such a system would allow for live streaming video from fire locations, tracking of biodata and live monitoring of the location of fire and emergency services vehicles and personnel. The most effective measure in ensuring the safety of firefighters, however, is to reduce the number of fires that require their involvement. The government is making a contribution in this area through a series of fire hazard reduction programs and, in the longer term, through the implementation of the clean energy future package. These reforms will work to slow the effects of climate change and greatly reduce the environmental factors fuelling an increase in fires through higher average global temperatures and prolonged drought.

In conclusion, the fair protection for firefighters bill is an eminently sensible piece of legislation that will ensure that the men and women of the fire and emergency services will be looked after and have access to workers compensation arrangements in the event that they are affected by cancer. What is more, through industry consultation, the government is working hard to make sure that firefighters have access to the services and equipment they need, and that we make a coordinated effort to reduced fires across Australia by tackling the causes, both natural and human, through legislation and education.

If a soldier experiences injury or post-traumatic stress after returning home from combat, there are support services and there is a financial safety net. If a police man or woman is injured or develops health issues in the course of their duties, there are provisions that will ensure that they get the help they need. With this bill we are ensuring that if firefighters develop health problems as a result of their work protecting lives and property in extremely hazardous circumstances, there is adequate and appropriate access to the financial support they will need. It is the very least we can do, it is timely and it is overdue. For all these reasons, I wholeheartedly support this bill. I commend the member for Melbourne, Mr Bandt, for bringing this legislation to parliament, and the government and the opposition for supporting it.

Ms O’DWYER (Higgins) (13:29): I rise today to speak on the Safety, Rehabilitation and Compensation Amendment (Fair Protection For Firefighters) Bill. Before I discuss the legislation, I would like to point out the remarkable service that career firefighters and volunteer firefighters provide to all of us in the community. Their work is truly remarkable. In some cases they risk their own lives in the pursuit of saving the lives of others. Their courage and bravery in defending property and person cannot be underestimated and their dedication can never be questioned. It is important to understand and remember that point. This debate is not about being pro-firefighter or anti-firefighter; it is about the specific legislation that has been brought before the House and its implications.

I would like to highlight today three concerns I have with the legislation that is before the House. Most significantly, this bill seeks to break the causal link between the workplace and an illness that is acquired in the workplace. Instead it deems that if certain cancers are acquired by a professional firefighter and that firefighter has been a firefighter for a period of time, as prescribed in the schedule, then they acquired the specific cancer as a result of their professional duties—that is, that it is work related. I am concerned by this, because I believe a causal link is important. Under existing laws, it is something that all other professions are
subject to. If the science is as strong as stated in the information that has been brought forward, it would not be difficult for the science to be proved under the existing legislation. This change in the onus of proof is a real shift in the foundations on which our legal system is predicated. I think it is concerning.

The second issue that I would like to raise today in relation to this legislation relates to the fact that this legislation covers professional firefighters only, not voluntary firefighters. Up until now, up until before the member for Melbourne spoke, it was said that this is critical because it is a significantly small, narrow and targeted piece of legislation—it was only for professional fire fighters. Yet the member for Melbourne himself said that it is something that could be expanded to voluntary firefighters and to anybody else who could demonstrate the science. Voluntary firefighters should not be in any worse position than professional firefighters. I find it curious that this has been brought forward for professional firefighters only. One can only question what the motivation might be behind that. I do not make any statements regarding that, but I do find it most curious indeed.

The third issue that I would like to raise in relation to this legislation is the precedent that it sets. It is very clear that there are very many professions that put themselves in danger for the rest of the community—emergency service workers, policemen and policewomen, ambulance workers and many others—the list goes on and on. This legislation will be used as a precedent to expand out to other professions. That should concern a number of us who perhaps are considering only the stories that they have heard in relation to professional firefighters. I must say, the stories are very moving. They touch my heart as I am sure they did the heart of the member for Melbourne and others who support this legislation. But it is my very strong and considered view that presumptive legislation is not the answer to this problem. Today I place on record my personal opposition to this legislation.

The DEPUTY SPEAKER (Mrs D’Ath): In accordance with the determination of the selection committee, the time for consideration of the bill has expired. The questions on the amendments moved by the member for Calwell and the member for Melbourne are adjourned until a later hour.

Sitting suspended from 13:34 to 16:00

National Vocational Education and Training Regulator Amendment Bill 2011
Second Reading

Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (16:00): I present the explanatory memorandum for this bill and move:

That this bill be now read a second time.

24 March 2011 marked an important day for Australia’s vocational education and training, VET, sector. This was the day the National Vocational Education and Training Regulator Act 2011 was passed by this parliament and one of the most significant reforms to the VET sector in years became a reality.

That act clearly demonstrated this government’s commitment to improving the quality and consistency of training in the VET sector, both at home and internationally. The act established the National VET Regulator and the Australian Skills Quality Authority, ASQA, commenced operations on 1 July 2011. I acknowledge that this key reform could not have
been achieved without the considerable support and cooperation over a long period between the Commonwealth and most states and territories, as well as stakeholders across the sector.

But I have to say, ASQA does not have an easy job ahead of it and there are many significant challenges in the sector that ASQA needs to work through. Since 1 July, ASQA has had responsibility for all registered training organisations, RTOs, in New South Wales, the Northern Territory and the Australian Capital Territory. It also assumed responsibility for RTOs in Victoria and Western Australia that also operate in referring states and territories, or offer services to international students. This accounts for around 2,000 RTOs and this figure is expected to double over the coming year as Queensland, South Australian and Tasmanian governments enact their legislation referring powers to the Commonwealth.

On commencement, ASQA took over a high volume of work with some 642 outstanding applications being transferred from state and territory regulators. ASQA has begun its operations with a robust, but risk based, approach to regulation. With its new suite of regulatory tools to address non-compliance issues, it is steadily working through its significant workload to ensure that training providers either improve or exit the system.

When the National VET Regulator legislation was before the Senate on 23 March 2011, Senator Evans acknowledged that while the government received very strong support from all the major stakeholders, they raised some legitimate concerns. There were also some issues raised in the reports of the Senate Standing Committee on Education, Employment and Workplace Relations inquiry into the bill and in the Scrutiny of Bills Committee. Some of these concerns were able to be addressed at the time through amendment of the explanatory memorandum. Others could not be addressed due to the legislative process of states referring their powers. Senator Evans did, however, ask the Department of Education, Employment and Workplace Relations to hold a consultation process with stakeholders to consider these concerns and to allow amending legislation to be introduced as early as possible to address them, without disrupting the referral process.

The department has undertaken an extended consultation process with stakeholders, including state and territory government officials. This consultation included two face-to-face meetings; one in Canberra on 20 and 21 April and a second one in Sydney on 9 and 10 August. At the April consultations those sections of the act which had been identified as needing reworking were discussed in some detail. The second consultations in August involved consideration of an exposure draft of the amending bill, on a confidential basis, to explain in detail the changes that are being proposed in response to concerns and suggestions of the stakeholders.

These consultation processes also provided an opportunity to reflect on the advice provided by the two Senate Standing Committees: the Scrutiny of Bills Committee and the Senate Education, Employment and Workplace Relations Committee. I thank these committees for their work and considerations on this important government reform. I am happy to say that through this extensive consultative process, stakeholders have generally expressed their agreement to the measure in the amending bill that I am introducing today. This is an excellent outcome for all concerned—but most importantly, it is further confirmation of the widespread support for the reforms we are making to the VET sector and the commitment of all to ensuring that Australia has a strong VET sector known for its high quality.
Before moving on to explain the detail of the measures in the bill I am introducing today, I would like to again encourage the Victorian and Western Australian governments to join the national regulatory system for the VET sector. Although I know they have some concerns about states' rights issues, I am also confident that they are keen to see improvements in the quality of the VET sector. The National VET Regulator Act provides ASQA with a more robust set of powers than is currently available to state regulators. Feedback from stakeholders is that they welcome the concept of a truly national and consistently applied regulatory system. I trust that we can continue to work cooperatively toward that end.

I will now address the specific measures in the bill.

**Objects**

Throughout the consultations, and in submissions to the Senate standing committee inquiry, stakeholders expressed the view that an objects clause would contextualise the act and give the sector an indication of its purpose. I am pleased to say that following constructive discussions with stakeholders and states and territories, the government has built a consensus around negotiated objects, and these will be reflected in a new section 2A objects clause in the National VET Regulator Act. The objects would be as follows:

- to provide for national consistency in the regulation of VET
- to regulate VET using a standards based quality framework and, when appropriate in the circumstances, risk assessments
- to protect and enhance VET quality, flexibility and innovation and Australia's reputation for VET both within Australia and internationally
- to provide a regulatory framework to encourage and promote a VET system that is appropriate to meet Australia's social and economic needs for a highly educated and skilled population
- to protect students undertaking, or proposing to undertake, Australian VET by ensuring the provision of quality VET
- to facilitate people being able to have access to accurate information relating to the quality of VET.

The objects clause will also include two notes defining the standards based quality framework and also that the objects are subject to the constitutional basis of the act.

The government, and stakeholders, consider these objects focus appropriately on the goals for a national regulatory and quality framework that is essential for retaining Australia's reputation, that is essential for the protection of students and that is essential for businesses operating across state borders.

**State/territory laws**

This bill also amends section 9 of the act, which deals with the registered training organisations being immune from certain state and territory laws. The amendment clarifies that the intent of the main act is that it applies in the same way in referring and non-referring states in relation to the act's interaction with their state laws.

The bill also introduces a new subsection at 9(3) which provides a new mechanism to allow for laws in non-referring states to be specifically excluded with the agreement of the...
ministerial council. Commonwealth representatives have negotiated tirelessly and constructively with our state counterparts to draft a provision which all governments are comfortable with.

**Amending accredited courses**

The amending bill clarifies the circumstances when the national VET regulator can amend a VET accredited course without an application being made by the course owner. This amendment to subsection 51(2)(a) narrows the power currently provided in the National VET Regulator Act. Concern that the existing power was too broad was raised by both the Senate Standing Committee for the Scrutiny of Bills and stakeholders. The proposed amendment restricts the circumstances when the regulator can amend accredited courses to situations where the amendment:

- updates the course
- corrects false or misleading information in the course
- is requested by a licensing or other industry body that has an interest in the course.

This power is important to ensure that the robustness of the VET quality framework can be maintained and that courses can be updated in response to changing circumstances or requests from industry.

**Cancelled qualification**

The National VET Regulator Act provides for a civil penalty where a person purports to hold a VET qualification or statement of attainment that has been cancelled. The act also requires a person to be notified of a cancellation and given a reasonable opportunity to return the cancelled qualification.

Both Senate standing committees raised concerns about this process and were concerned to ensure that a person is aware of, or could reasonably be expected to be aware of, the cancellation of the qualification or statement of attainment before being liable for a civil penalty. The amending bill therefore includes provisions to ensure this is clarified.

Minor changes are also proposed to sections 58, 59 and 60 to clarify details around the period within which a cancelled qualification must be returned, taking into account the method of notification and whether the person affected seeks a review of the decision to cancel the qualification.

The power to cancel a qualification is an important regulatory tool to allow the regulator to ensure the quality of VET in Australia. It helps to ensure that there are not uncertified people purporting to be properly trained and thereby bringing discredit to their industry. The amendments in the bill ensure that the process in respect of informing a person of a cancelled qualification is as fair and transparent as possible.

**Use of force**

The Scrutiny of Bills Committee, and some stakeholders, raised some concerns about the use of force provisions in the National VET Regulator Act. The act specifies that an authorised officer may use force against a 'thing'—for example, to move or open a filing cabinet—when executing a warrant. The government is proposing to amend section 70 of the act to include limits on the use of force. Under the proposed amendments, the person in charge of the 'thing' in question must be given a reasonable opportunity to move or open it.
themselves, prior to any force being used. The amending bill also clarifies that the section does not authorise use of force against people.

These amendments are consistent with the recommendation of the Scrutiny of Bills Committee in that they reflect the approach taken in other Commonwealth acts such as subsection 3U(d) of the Crimes Act 1914. In his speech to the Senate on 23 March, Senator Evans indicated that the relevant provisions in the act would also be amended to include the recording by video of situations where force is used in executing a warrant. This option was also raised by the Scrutiny of Bills Committee. However, on further investigation by the department, it was found that the use of video recording in such circumstances is not mandated by any other piece of Commonwealth legislation. Given this, the government did not feel it appropriate to place this requirement on the national VET regulator at this time. This, of course, does not prohibit authorised officers under the act from using video recording equipment if the regulator believes it is appropriate in certain cases.

**Authorised officers**

The Scrutiny of Bills Committee also raised concerns around the wide discretion that the regulator had to appoint authorised officers and that authorised officers be appropriately qualified and trained. The proposed amendment seeks to amend the act to enable the minister to make a determination about required experience, training and qualifications (if any) for authorised officers appointed by the regulator under section 89 of the act.

**Sharing information with the Tertiary Education Quality Standards Agency**

In order to ensure a consistent approach to tertiary education regulation, particularly as greater numbers of providers operate in both the higher education and VET sectors, an amendment is proposed to facilitate information sharing with the Tertiary Education Quality Standards Agency, the higher education regulator. Not only will this facilitate information sharing; it will also help to reduce the regulatory burden on dual-sector providers.

**Headings**

Stakeholders also suggested that, for ease of reading, some headings should be changed to better reflect what particular sections deal with. The government is always happy to work with the sector to ensure the act is user friendly and clear for RTOs, trainers and students. We are therefore seeking minor amendments to the headings of sections 107, 108, 109 and 110. This amending bill reflects the government's continued commitment to working with governments and stakeholders to continually improve the quality and consistency of training across the VET sector. A strong, nationally consistent regulatory framework is a key step in achieving this. I commend the bill to the House.

Leave granted for second reading debate to continue immediately.

Ms LEY (Farrer) (16:15): I rise today to speak on the National Vocational Education and Training Regulator Amendment Bill 2011. Remarkably, this bill seeks to amend legislation that was before this House only a few months ago. At the time it was acknowledged that changes would be required to the legislation. However, amendments could not be made at the time as a result of the referral arrangements of the states.

One of the lessons we have learnt from this bill is that, when text referrals are made from states referring their powers to the federal government, committees should have an opportunity to examine the text prior to any state government passing the legislation. We
would not then find ourselves in the rather odd situation where, when the minister spoke to
the original bill, he foreshadowed—of course correctly and appropriately—the amendments
that would need to be made, but of course New South Wales had already referred its powers
to the Commonwealth. Therefore, at the time of this parliament creating the national VET
regulator, we were not able to do it in one simple session and in one piece of legislation. We
have had to return again to make the amendments that we see today. It is clumsy and it is
messy.

The Senate Education, Employment and Workplace Relations Legislation Committee
recommended that in future, when we are dealing with these COAG processes, we approach it
a little differently. The original legislation saw the establishment of the national VET
regulator, which is the Australian Skills Quality Authority, ASQA. This came about after
agreement between the states and territories to introduce a national system of VET regulation,
instead of each state's training authority assuming responsibility in that state.

The coalition supports the concept of national regulation of the VET sector, primarily
because of the need for consistency and quality across the board. There are approximately
4,900 registered training organisations, or RTOs, operating in Australia, with many of these
organisations operating in more than one jurisdiction. We believe that a VET qualification
should be afforded the same regard as a university qualification and, for this to occur, we need
to be certain that we have a regulatory framework in place that will ensure quality.

Approximately 30,000 international students undertake VET qualifications in Australia
each year. Education is our fourth largest export and we need to be certain that we promote a
quality product. Certainly a national regulator will assist in this. However, we were critical of
the establishing legislation, and for good reason. Regrettably, this is not truly a national
system. It is not even close to being a national system. Western Australia and Victoria, two of
our biggest training states, have not signed up to the national regulator. Ultimately, the system
in place is therefore not national and WA and Victoria are maintaining their separate
regulatory systems. This will result in parallel systems operating in both those states, with
RTOs that operate across borders having to comply with both systems. Those states have
agreed to enacting mirror legislation. However, ongoing concerns—particularly surrounding a
guarantee that state owned facilities, such as TAFEs, would be audited by state regulatory
bodies—are in fact further confusing and creating anxiety about the amount of duplicating
auditing activity.

In addition, Tasmania, South Australia and Queensland are yet to actually pass legislation
through their parliaments. As it currently stands, according to the RTO count on the
training.gov.au website as at October 2011, of the 4,909 current RTOs, 2,032 are registered
with ASQA, the new VET regulator; 1,514 are registered in Queensland; 314 in South
Australia; 109 in Tasmania; 556 in Victoria; and 386 in Western Australia. When the
Queensland, South Australian and Tasmanian governments refer their VET regulation powers
to the Commonwealth, another 1,937 RTOs will be registered by ASQA, so ultimately—at
least in the short term—multiple registration arrangements will persist.

I return briefly to the topic of international education. This government aspires to have a
national system of VET regulation yet has so little faith in the capacity of this regulator to
deliver a quality product that it excludes VET and even non-university higher education
providers from its proposed visa and work permissions reforms as a result of the recent
Knight review. I have to question what message this sends to potential international students about the quality of the education they can expect here in this country, and I ask the ministers responsible to demonstrate the faith that they should have in our VET sector and the training that is delivered by it.

Notwithstanding the fact that there have been poor providers, providers who have had poor-quality products and instances where we have had to take corrective action against our institutions, generally we have a very strong, very positive and very good VET sector in this country if we want to attract international students—and that is exactly what we should be doing. It is a complete win-win for the Australian taxpayer. The facility is able to charge the international students and there is no call on either the state or the Commonwealth dollar for entitlements funding to do that, so it is a good thing to do. It is being done all over the world, and we have to be rather careful that we do not miss the boat and find that the international student market that we might target—South-East Asia, in particular—has been catered for by other countries as far away as those in Europe and North America.

One reason for these amendments is inadequate stakeholder consultation on the part of the government in the first instance. Fortunately, a Senate committee inquiry allowed stakeholders a forum to voice their concerns. The amendments in the bill seek to remedy the key issues highlighted in the inquiry and the minister has, I believe, gone through those amendments in detail and explained very well what they are. The key amendments see the introduction of an objects clause to provide for consistency, ensuring that VET is regulated against a standards-based quality framework and has an underpinning regulatory framework while protecting students by ensuring the quality of courses.

This was a major criticism by stakeholders of the original legislation, and, whilst a common inclusion in legislation was actually omitted from this legislation by the government, there has also been the clarification of when a training provider registered with the Australian Skills Quality Authority is immune from or subject to state or territory laws. This was also a major concern identified by the Victorian and Western Australian governments, as they realised that the act overrode the law in non-referring states which were actually meant to be excluded. The proposed section 9 now itemises the circumstances when an RTO is immune from state and territory laws, regardless of whether it is operating in a referring or a non-referring state. Conversely, proposed sections 9(2) and 9(3) itemise the circumstances when an RTO will be subject to state and territory laws.

In the original legislation, ASQA had authority to amend VET courses of their own initiative. The amendments in this bill seek to clarify in which instances amendments to courses may be made. Items 15 to 16 propose amendments to section 70 which provide more specific information about when an authorised officer can use force against a thing, mainly when the person in charge of the thing has been given the first opportunity to open, move or otherwise deal with this thing or when it is not possible to give that person the opportunity to do so. This section now clarifies that this does not authorise the use of force against a person.

Additional amendments seek to allow the minister to determine appropriate qualifications for authorised officers. Under this clause, the chief commissioner must be satisfied that someone holds the requisite power and qualifications in order to take up the position. Item 34 proposes to insert new section 191(a), which will enable the legislative instruments provided
in the act to refer to documents that are not legislative instruments but which are integral to
the VET sector, such as trainee packages and their guidelines.

While the coalition is supportive of these amendments, there is one other concern that I
would like to address. The Australian Skills Quality Authority is set to operate on a cost
recovery basis. A number of registered training organisations have contacted me, anxious that
the new fee structure may impact on the financial viability of their businesses. Given that the
intention of the national VET regulator was to reduce complexity and ensure a level playing
field, I do find this somewhat ironic. We have to be so careful that when we introduce another
layer of bureaucracy and administration, another framework and a new authority—
particularly one that does not actually take the place of existing bodies in all states—we do
not burden the people in the field in the sector with over-regulation. I do fear that this is
happening.

The Minister for School Education, Early Childhood and Youth just mentioned that ASQA
would face some challenges, and that is absolutely right because, in order for every single
RTO—and that includes private and public—to be audited, to be given some sort of rating
and to have the ability to demonstrate to students that it has passed a certain test, that is an
enormous amount of work starting from scratch. I question whether the resources that are
given to this body are sufficient, because if they are not then we will just get a messy
approach. We will get websites; we will get phones that are not answered by real people; and
we will get a sector that is frustrated because it cannot get the answers that it needs. I have
already had the members of the sector talking to me about the way that the VET regulator is
making edicts or pronouncements or talking about the policies and the steps it will take via
website only and is not actually engaging in a 'human face' way with the bodies that it seeks
to audit. I understand that it is early days, and I understand that you cannot necessarily blame
the organisation if it is under-resourced, but I would ask the government to be careful that we
do not talk up the task and fail to provide the dollars to
do the job, because that would not be a
good thing.

I know that people have felt that there have been students that have been burned by small,
relatively new RTOs and training providers, but there are some extremely good small RTOs;
they usually do a specific task in a specific area that they have specific expertise in. If they
face the same costs—which will be recovered by the VET regulator—as, for example, a large
regional institute with several campuses then they are going to find that they cannot afford to
operate on their own, and again that is not a good thing. So, if we approach this with 'one size
fits all', again we will find that we are punishing smaller private providers, and that is not, I
believe, the approach that the government wants to take.

So overall I think that, while the intent behind a national regulator can be truly beneficial
for the VET sector, we have fallen well short of the intended goal. It is not a national system
by a long shot. However, this amending bill provides for a framework for a better system of
regulation. I do acknowledge the support of the stakeholders that were finally consulted. I
thank the Main Committee.

Ms BROTDMANN (Canberra) (16:28): It is with pleasure that I rise to speak on the
National Vocational Education and Training Regulator Amendment Bill 2011. Vocational and
skills training represents a very important part of Australia's education system. As everyone in
this place knows, and anyone in Canberra knows, if you try to get an emergency plumber on
the weekend here in Canberra, it is a very difficult task, because there is currently a massive skills shortage for tradespeople in Canberra and right across Australia. It is also, as I have mentioned in this place before, a very expensive task in terms of the costs, because we have so few plumbers and they can charge.

This skills shortage is having a massive inflationary effect on our economy, particularly in Canberra, and it is also a major barrier to improving our productivity. The government understands this, which is why we are investing a great deal of energy and considerable funding in improving access to education, particularly vocational and trades education. This is a government that understands the transformative power of a quality education. It understands that, by educating and training a person, you not only generate macro-economic benefits for Australia but also have a massive positive effect on the person who has actually received the education. Jobs and trades represent a significant and important part of our identity, and all the research shows that the better educated a person is, the happier they are and the healthier they are. Having a skill represents being able to make choices rather than having choices thrust upon you. This was a lesson I learnt in my own life from my family. My great-grandmother, my grandmother and my mother all lived lives not of their choosing. They did not get the opportunities they wanted because they lacked an education. They did not get a chance to lift themselves out of their relative poverty and to live a comfortable retirement. In fact, my grandmother lived only to the age of 54, due to poor health and having to do three jobs just to keep seven kids fed and watered. That is why I am such an advocate of education—because it is only through education that the poverty cycle can be broken, it is only through education that kids can choose their own paths and it is only through education that you can really make anything possible.

So I am proud to be part of a government that is investing so much in education—in infrastructure, trades, apprentices, vocational and tertiary education—and research. I am particularly pleased with the large investment in skills training. The $3 billion we have provided for the Building Australia’s Future Workforce program will provide some 130,000 new training places for apprentices. We are also funding mentoring programs to make sure apprentices stay in their trades. As it stands, less than 50 per cent of apprentices complete their first year, so this program is vital to skilling the country.

It is also worth noting that few women engage in trades. In fact, I believe that in the manual trades women make up only two per cent of apprentices. It is a point that was underscored for me just recently when I went to a women in construction event here in Canberra, where I met a number of fantastic women who are out there doing amazing work in trades. One of them, who actually won an award, did a science degree and then moved into a trade because she decided that that was where she wanted to go in terms of her future. She is an impressive young woman. She is a great asset to Canberra, to trades and to women in trades.

We are also providing tax-free payments to apprentices to support some 200,000 apprentices, some 4,000 of whom are in my own community here in Canberra. However, while these programs represent a significant leap forward, all of them are predicated on the ability of Australia and its training providers to offer a high-quality education system. If we fail to protect and assure the quality and integrity of our system, we risk our ability to train young Australians in the skills they need for the future.
Further, we also place at risk one of Australia's largest export industries: who could forget the revelations a few years ago now that were aired on the ABC about young international students who paid large sums of money to come to Australia to learn a skill only to find their experience was not what was promised? I remember well the stories of catering colleges that lacked kitchens and of pilot training schools that would not let students fly a plane. While I have no doubt that those operators are outriders, that they are unique in the system and do not represent the vast bulk of training providers, the damage they do to our economy and our international reputation is enormous. Their behaviour affects not only the quality of education received by the students but also the reputation of any qualification offered by an Australian provider. This untenable situation was a direct result of the interplay between different federal education and immigration laws, and the different laws governing vocational education in the states. While these laws were designed to ensure that such situations did not occur, it is clear that they did not do their task.

That is why this government instigated the Baird review of education services for overseas students and the Bradley review of higher education. We closed immigration loopholes that promoted some truly abhorrent behaviour by providers. We made amendments to the ESOS Act and the Higher Education Support Act. We are also establishing the National Vocational Education and Training Regulator through the bill of that name—amendments to which we are discussing today—to close some of the gaps that exist between the state and federal regulatory environments. These amendments bring a national and unified approach to quality assurance in the vocational sector. While 20 years ago it may have been okay to have state based regulations to govern these sectors, this does not represent the current state of play. Today, vocational education, as I have said, is a multibillion-dollar national and international industry and as such requires a national approach.

We have a national economy, and I believe that we must as much as possible ensure that the regulatory environments align. Such alignment reduces compliance costs and means that we can focus on what really matters, not on red tape. The National Vocational Education and Training Regulator was agreed to by COAG in 2009 precisely for these reasons, and most states agreed that there was a great need for consistency in the regulation of the sector. This consistency will mean not only better protection for all students in Australia's VET sector but also a reduced regulatory burden for providers, as they will no longer have to comply with, potentially, nine different systems. This not only reduces the cost of their compliance but also means one set of laws and one regulator more capable of monitoring the industry and ensuring compliance. The amendments in this bill make further enhancements to the National Vocational Education and Training Regulator Act to provide further clarity.

As a former student president of the oldest workers college in the world, the Royal Melbourne Institute of Technology, I appreciate that this government continues to examine the laws governing quality assurance in education, particularly in vocational and trades education. Quality assurance is a task that is never quite finished and must always be examined, because the failure to regularly monitor and update assurance and regulatory processes has the potential to place the entire sector at risk.

By taking the actions we have, this government has made great leaps in making sure Australia's regulatory and quality assurance processes are up to the task. Today we make further amendments to these processes to make them even tighter and more effective. I
encourage the government to continue to monitor the VET sector and to continue to make further improvements where required. These changes show that we are a responsive and responsible government that routinely monitors what is an evolving system and an evolving sector. Through this bill we will ensure that Australian students get exactly what they deserve: the opportunity to get high-quality education and highly valued training to make sure that they live a life of their choosing, not a life chosen for them by a lack of education or skills. I commend this bill to the chamber.

**Mrs ANDREWS** (McPherson) (16:37): I rise to speak on the National Vocational Education and Training Regulator Amendment Bill 2011. The amendments in the bill will supplement legislation passed earlier this year to create the National Vocational Education and Training Regulator, which will be responsible for the registration and audit of registered training providers. The National VET Regulator was put in place to ensure national standards were being met and to ensure the quality of qualifications and skills issued by RTOs.

I support the concept of national regulation of the VET sector, primarily because of the need for consistency and quality across the states. There are approximately 4,500 registered training organisations operating in the VET market. Placing these RTOs under a national reporting and regulatory system will go some way towards ensuring that there is consistency within the VET sector. I note that the move towards the National VET Regulator has been supported by the coalition. However, many issues have been raised since the Senate Education, Employment and Workplace Relations Legislation Committee inquiry into these bills, and these concerns have been recorded within the coalition senators' dissenting report.

My main concern is that the system in place is not a national one with Western Australia and Victoria maintaining their separate regulatory systems. Additionally, Queensland's state system will continue to operate until such time as the Queensland parliament passes referring legislation. I understand that this is yet to happen. Consequently, parallel systems will operate in Western Australia and Victoria. So RTOs that operate across borders will have to comply with dual systems. This will potentially place additional costs on RTOs that offer courses across state borders. I refer to the coalition senators' dissenting report to highlight this issue:

... the evidence presented to the committee is that the NVR Bills have the potential to undermine national regulation. While Victoria and Western Australia have indicated they are prepared to introduce mirror legislation in their state parliaments to give effect to this aspiration, Western Australia has advised that it is unable to do so on the basis the NVR Bill as currently drafted …

The NVR has since been introduced even though the coalition strongly disagreed with the government pushing it through without all of the states willing to refer their powers. This is a concern for the coalition because what we have here is a national VET system that will maintain different qualifications between the states, with an overlapping bureaucracy. However, the amendment bill I speak about here today does show some improvements to the original bill's form and includes some of the recommendations set out by coalition senators in the dissenting report.

According to the explanatory memorandum, the amendments being debated here today will introduce an objects clause to the act in a new section 2A. The objects of the act would be: to provide for national consistency in the regulation of VET; to regulate VET using a standards based quality framework and, where appropriate, risk assessments; to protect and enhance VET quality, flexibility and innovation as well as Australia's domestic and international
reputation for VET; to provide a regulatory framework to encourage a VET system that is appropriate to meet social and economic needs for a highly educated and skilled population; to protect students undertaking or proposing to undertake Australian VET by ensuring the provision of quality VET; and to facilitate people having access to accurate information relating to the quality of VET.

The bill also amends the act to allow for immunity from certain state and territory laws for those RTOs that operate within the Australian Skills Quality Authority. However, registered organisations will still be required to adhere to a variety of state and territory laws. The Australian Skills Quality Authority will also be allowed to amend VET accredited courses on its own initiative if it is considered reasonable in the circumstances. The bill will also clarify provisions that discuss cancelled qualifications, the imposition of a civil penalty and the discretion of the national VET regulator to appoint authorised officers.

One of the key amendments in the bill aims to protect and enhance Australia's domestic and international reputation for VET. For education institutions on the Gold Coast, this is a very important issue. The Gold Coast is a region with low higher education participation rates, as illustrated by the data from the 2006 census where only 18 per cent of the Gold Coast population aged 25 to 34 were degree qualified compared to the national average of 29 per cent. Considerable work needs to be done to increase participation rates at all levels and to ensure that our education sector remains viable and capable of producing a skilled workforce for the future.

The Gold Coast is already established as an education city, with four universities, over 160 RTOs and a wide range of public and independent schools. Today I would like to focus on the VET sector, highlighting how the Gold Coast is already well developed, with further opportunities for growth. As I have already stated, there are over 160 RTOs on the Gold Coast, both public and private. We have the Gold Coast Institute of TAFE, which is one of Australia's leading vocational education and training providers and makes a valuable contribution to the Gold Coast from both an educational and an economic perspective. There are six TAFE campuses on the Gold Coast, including the Coolangatta campus within my electorate of McPherson. I have had numerous discussions with TAFE regarding future developments on the Gold Coast and I look forward to a working closely with TAFE into the future.

We also have numerous private RTOs including EIM Training, which has a campus at Robina, also within the electorate of McPherson. EIM Training offers a broad range of courses, including in business and management, children's services, financial services, manufacturing, training, management and hospitality. I support training providers in the marketplace as they provide diversity and choice for our students. There is also an alternate model for trade training on the Gold Coast that is provided by the Australian Industry Trade College, which I am proud to have located within my electorate. The AITC was established in 2007 with the objective of giving students the opportunity to pursue a career in industry while completing the final years of their schooling. The unique learning structure at the AITC gives students the opportunity to commence a school-based apprenticeship in a trade of their choice and graduate with a Queensland certificate of education. Over 530 school-based apprenticeships have been achieved by the college in over 50 different trade qualifications, and around 95 per cent of students graduate with a Queensland certificate of education each
year. These numbers are impressive when compared to the conventional schooling senior certificate rate of only 75 per cent.

Around 92 per cent of year 12 graduates from the AITC were employed as apprentices in 2010. At any one time there are around 300 students at the college working towards the same goal of an apprenticeship in their chosen trade. In order for the AITC to be able to offer such a unique opportunity for their students, they have formed relationships with local RTOs to facilitate the training plans for their students to get them through their school-based apprenticeship qualification. I would like to see more institutions offering flexible learning options, as the AITC are, to encourage a future skilled workforce. They do a wonderful job getting young people qualified and ready for work, and I commend them for their work.

By improving the existing VET sector through appropriate regulation and reporting and by adopting these amendments today, we are working to ensure those in the VET sector who pride themselves on their high-quality qualifications and reputation continue to prosper and grow. Meanwhile, those who have given the sector a bad reputation for poor quality will be prompted to make the necessary changes to their operations and training to ensure they keep up with the national standard. In closing, I reiterate that I support the concept of national regulation of the VET sector as consistency and that quality needs to be assured across the country.

Mr STEPHEN JONES (Throsby) (16:46): Skills Australia has forecast that future economic demand will be driven by the services sector and that we will need an additional 2.4 million people within the workforce with qualifications at certificate III level or above by 2015. That is, an additional 2.4 million skilled Australians are needed by 2015. It will be an enormous effort. That is why over the course of this government's term we have dedicated so much effort and so many resources to the task of training those Australians. To meet the expected industry demand, it is thought by Skills Australia that that figure of 2.4 million will rise to 5.2 million by 2025.

This is an enormous challenge for government—a challenge that is being met by this government. We know that the very nature of work is changing due to the impact of rapid technological change. We are seeing high-skilled jobs grow at 2.5 times the rate of any other job. Never before has there been such an imperative for our nation to be investing in skilling its people. Economists confirm that investing in our skilled workforce is not only good for individual Australians but also critical for our continued economic success and our productivity growth. That is why education—and vocational education in particular—is a Labor priority. Equitable access to education and skills is at the heart of this priority. Better high school completion rates, more apprenticeship completions and more university graduations are critical for a future prosperous and equitable Australia.

The government is delivering on the education and skills needs of this country. The government's commitment to skills training was the centrepiece of this year's budget, in which we announced a $3 billion investment over the next 4½ years in skills and training to address the skills shortages being experienced by industry. Labor's budget investment placed industry at the centre of our efforts to target skills and training and to respond to the pressures of our patchwork economy. Our approach includes placing industry at the heart of the training effort to deliver skilled workers, reforming the Australian apprenticeship system, improving workforce participation and reforming the VET sector to meet the long-term needs of the
economy. All of this is in line with the objectives of the bill we are debating in the chamber today, the National Vocational Education and Training Regulator Amendment Bill 2011. The legislation before the House is yet another piece of Labor's program of reform of the apprenticeship system and vocational education and training. Labor is committed to a funding model that sees government and industry working in partnership to indentify and jointly fund training to meet critical skills shortages. We know that, as a direct result of the reforms introduced by the Labor government, there are now close to 100,000 additional students grasping the opportunity of a university education this year. That is 100,000 more students than there were in 2007.

In addition, this year there is a record half a million Commonwealth supported student places in Australian universities and in other higher education providers. The good news is that Australia's apprenticeship and traineeship numbers are also growing significantly, from 410,000 in September 2006 to over 459,000 in March 2011. This is the largest level that has ever been recorded. The economic dividend from this investment in our human capital is significant, but it is also making an enormous difference to the lives of individual Australians, by giving them an opportunity to play a part in the skilled workforce of the future.

Research by KPMG found that, in the period between 2010 and 2040, the government's reforms to higher education will deliver, on average, an additional $20 billion in GDP every year, and that an average of 80,000 additional jobs will be generated each year during the same period. That is why, quite simply, it is our No. 1 priority.

The bill before the House today sets out new arrangements to improve consistency of regulation in this important sector. The legislation supplements the decision by COAG, in December 2009, to create a new national system of regulation for the VET sector. Legislation to set up a National VET Regulator passed this parliament in August this year. It was one of the most significant reforms to the VET sector. It demonstrated this government's commitment to improving the quality and consistency of training in the VET sector. The establishment of a national regulatory body for the VET and higher education system was recommended by the Bradley review of higher education, which also recommended a review of the provision of education to international students.

The resulting Baird review of the Education Services for Overseas Students Act 2000 also supported simplifying regulatory arrangements, including a single national regulatory body to assist with the monitoring of the quality of services provided to international students.

Problems with private colleges catering for international students had undermined the confidence in the VET sector and the quality of training being delivered. That is why implementing new, strengthened regulatory arrangements, including the proposed amendments to the ESOS Act, will help the sector regain confidence and recover from the failings of the previous state based regulators. The national regulator will be able to investigate breaches of the ESOS National Code and advise the secretary if they are not satisfied that the provider meets the fit and proper person test, resulting in automatic suspension in all states where the provider is registered with the national regulator.

The bill makes amendments to the National Vocational Education and Training Regulator Act 2011, to address some concerns expressed by stakeholders and the Senate Scrutiny of Bills Committee and the Senate Education, Employment and Workplace Relations Legislation Committee. Specifically, the amendments in the bill before the House today include...
introducing new objects into the act; more narrowly defining when the regulator may amend accreditation courses; clarifying that a person using a cancelled qualification will only commit an offence if they have knowledge of that cancellation; requiring an authorised officer executing a warrant to request the occupier to open or move a thing before making any decision to use force against it; and, finally, identifying the training and qualification requirements for authorised officers.

Regulation in the VET sector is currently fragmented between nine different regulators. It is expected that, with complex reform like this, significant efforts will be made to ensure consistency between these different systems, including nationally agreed standards and model clauses for state legislation. Despite these efforts, there are still considerable inconsistencies in the way regulation is carried out across the country by state regulators. The national VET regulator will have an enhanced suite of powers to that which is currently available to state regulators, allowing it to more effectively deal with poor quality providers and to safeguard the quality.

In conclusion, we know the skills challenge is great for this nation, which is why we have to start to address this great challenge today. It is a matter of record that since coming into office this Labor government has created almost three-quarters of a million jobs, working in partnership with business, with other levels of government and with unions. The challenge we face is how we manage our future growth to ensure that all Australians benefit. What marks out this government is that we are working to ensure that we provide opportunities for all Australians, regardless of their age, their background or their postcode. We are working to ensure that all Australians can maximise their potential so that they can share directly in our success and participate in our society. We will fulfil the Australian social contract by ensuring that the next multibillion-dollar wave of investment in our resources industry also brings a dividend for the many, not just for the few. It is a Labor priority, and the Labor way, to manage the great opportunities and the great challenges that we face over the coming decades and to ensure that we spread the benefits so that everybody gets an opportunity to enjoy the prosperity that this great country can provide. I commend the bill to the House.

Mr HAYES (Fowler) (16:56): This is a bill that I very much want to speak on because VET, vocational education and training, is very important to our nation. Previous governments have, regrettably, taken their eyes off the ball, and I have seen firsthand what that has done with respect to the development of skills in our workplaces, which is something that we need to stay focused on and not simply take for granted. The vocational education and training industry has certainly become highly competitive, and Australia is very well placed to do well in exporting our training to overseas students. That is why the whole notion of vocational education got onto the national agenda.

The National Vocational Education and Training Regulator Amendment Bill 2011 makes significant amendments to the Education Services for Overseas Students Act 2000, the Higher Education Support Act 2003 and the Indigenous Education (Targeted Assistance) Act 2000. The amendments to the Education Services for Overseas Students Act 2000 include making the national vocational education and training regulator, known as the Australian Skills Quality Authority, the single designated authority for VET institutions providing services to overseas students. The legislation sets up the new statutory authority, which will have powers
and responsibilities to register and audit in order to monitor those training institutions providing vocational education and training to overseas students studying in Australia.

The concept of a single regulatory body clearly simplifies the regulatory arrangements to assist in monitoring the quality of services provided to international students. This will assist in providing confidence in Australia's VET system and in its service providers, which have come in for a lot of criticism over recent years. We have seen the damage that has occurred, quite frankly, as a result of nine different regulatory regimes pulling in different directions. As a consequence that damage has occurred with respect to not only student outcomes but also the overall reputation of Australia as a deliverer of vocational education and training. That is something that has to be seen as very much in the nation's interest—to have that level of coordination, not to pick and choose winners in the delivery of vocational education but to ensure that what vocational education we do sell is of sufficient and consistent quality. That is what this legislation is designed to do.

A single regulatory body will also allow for appropriate and timely intervention where there is poor-quality education and training of providers, particularly with respect to international students. That is important. In recent years we have seen a number of VET providers simply close their doors. Not only is that very bad for those students who have enrolled; it is extraordinarily bad for the reputation of this country when many of those students are foreign based and this is reported internationally. That reflects not only on the particular VET provider but on this country as a whole in delivering vocational education and training.

The amendments in this legislation also provide for the establishment of nationally agreed intensive English-learning courses for overseas students to ensure that there is national consistency of standards and protocols. This will assist in ensuring that international students studying at Australia's VET institutions receive the appropriate level of English language training, which is one area that has come in for some criticism over recent years.

It is highly significant for Australia to uphold high standards in the services provided to international students. International students as a group are highly significant to Australia's economy and, quite frankly, our global positioning in education and vocational training. The very perception of our image, in many instances, is reflected in the quality of education we give to overseas students. In the broad, economic figures suggest that, due to their volume, international students form a very high proportion of our export earnings. In 2010 there were 470,000 international students enrolled in education programs in Australia, which was an increase of over 16 per cent on the previous year. Of those 470,000 international students, close to 150,000 were enrolled in the vocational education and training sectors. International students in VET courses therefore comprise almost 30 per cent of international students studying in Australia. The proportion is high, considering the overall financial contribution of this group. According to the International Development Program, international students contribute a little over $5.5 billion to the Australian economy. That is significant.

International students also make a significant contribution to the Australian culture. I briefly indicated the image that is portrayed overseas when things go badly, but when things go well that is also reflected when people choose Australia as their appointed destination in which to study. That positive imagery of Australia is significant not only in attracting further students here but also in how Australia is perceived abroad.
Looking at both the universities and the VET institutions, Australia is one of the preferred providers of education. As a matter of fact, it is the third most popular English-speaking destination for overseas students. Asia is clearly one of our biggest markets, with almost 75 per cent of overseas students studying in Australia coming from the Asian region. We need to ensure that our educational institutions, including those providing vocational education and training, uphold the highest standards of quality, and the establishment of a single regulatory body will help achieve consistency across the board. It will be significant in being able to assess, monitor and apply those regulatory skills to ensure that there is that degree of consistency in those courses that are offered and are registered with the body.

This was recognised by the Intergovernmental Agreement for Regulatory Reform of Vocational Education and Training when they set the objects of ASQA. It has been on the drawing board for some time. Those who are intimately involved in the VET sector have foreseen the need for having such a body. Regrettably, it has not met entirely with the support of each of the state and territory bodies to date. However, the amendments to the Higher Education Support Act 2003 will deliver and foster a sharing of information between the established national VET regulator and those states for the purposes of deciding whether to approve an institution as a VET provider or not.

As I have just indicated, not all of the states have signed off on this. As I understand it, Victoria and Western Australia are still standing somewhat aside. There is no doubt that there has been a broad measure of in-principle agreement in the intergovernmental approach to regulatory reform at the VET level. At the Commonwealth level, there is considered to be a need to have a body which in principle has authority and can act in each of the states and territories to set these standards. When ASQA was established, it was on the basis, principally, of the referred powers—powers that were going to be referred constitutionally by the states and territories. But, regrettably, to date, as I understand it, only New South Wales has actually passed the necessary legislation. It is expected, however, that the remaining states that have agreed to refer their powers—namely, Queensland, South Australia and Tasmania—will enact theirs by the end of the year. However, whilst the Victorian and Western Australian governments have not signed up and have indicated that they are not proposing to sign up to the same national VET regime, they have undertaken to enact legislation that will mirror what is being established, but to apply, hopefully, on the same terms and conditions within each of those states.

That is at least a step in the right direction. It is not quite what I think all those who participated in the original discussions were looking for, but it will help ensure that there are appropriate safeguards built in, in terms of applying national, consistent standards across the board. We would expect that between each of those organisations we will have consistency and a measure of dialogue, but I would hope that in due course both Western Australia and Victoria, after the operation of the national regulatory system, will see fit to subscribe to the operation of that body.

The bill will focus on strengthening our national regulatory and quality framework, which is essential for retaining Australia's reputation for being a high-quality vocational education and training provider both nationally and internationally. I have spoken on a number of occasions about my passion for vocational education, as both my sons are tradespeople. One is an electrician and the other a carpenter; as a consequence, they have extensively used the
VET sector—principally New South Wales TAFE. Whilst universities are very, very important to us, an academic pursuit for everyone is simply not realistic. In fact, we do need tradesmen and we need those tradespeople to have their skills constantly upgraded. This means that the VET sector, as it applies throughout the country, stays equally important.

Last week I had the opportunity to visit Miller TAFE. Oddly enough, it was the very TAFE that both my sons attended. It is in my electorate, and it was a good opportunity to go out and attend a number of the classes and workshops that were being conducted. I spoke to a number of the staff there as well as the students, who were undertaking vocational education in a range of different trades and other courses. Ms Rabia Lodhi, the college manager, and Phil Chadwick, one of the teachers from the electrical trades at Miller TAFE, together with Mr Chris Pittaway from NSW TAFE certainly showed me around all sections of the TAFE.

There were activities such as the stonemasonry course which, by the way, is the only stonemasonry that is being taught throughout NSW. It is good to see a number of people travelling from all over the place to Miller, in my electorate, to attend instruction on stonemasonry. There is also the electrical section, carpentry units and, importantly, the childcare vocational education facility. It is certainly one of the state-of-the-art childcare facilities which are delivering such an important course. Miller TAFE is certainly changing the lives of many in my local community. These are real pathways to employment, ensuring the development of skills for local employees and, significantly, playing a role in helping local industry attract the people they need to generate skilled employment for future. (Time expired)

Mr CHEESEMAN (Corangamite) (17:11): It is with some pleasure today that I rise to speak on this particular amendment, which amends the National Vocational, Education and Training Regulator Act. This parliament put those through in 2011. Some detailed stakeholder consultation has followed, and feedback from a Senate inquiry into the legislation that the parliament passed.

I might start by recognising the Gordon Institute of TAFE, which is known as 'the Gordon' in the Geelong area. For many, many generations it has trained young tradespeople in the Geelong area and has done an absolutely fantastic job in educating the broader Geelong area. I particularly want to acknowledge the hard work of the CEO, Grant Sutherland, and the board, who have built a first class institution and provided many, many young people with the education they needed to pursue their chosen career in the trades. I think it is appropriate that I do take the opportunity to do that.

Today we are talking about some important amendments that this parliament needs to make to strengthen further Australia's vocational educational system. As I indicated earlier, on 24 March 2011, the Commonwealth passed some very important legislation in the VET sector. This was not only a historic day in reducing the regulatory burden but it also standardised a national system to provide a stronger vocational education system, one which students from Australia can understand. It also, importantly, ensured that we strengthen what is otherwise a very strong reputation overseas in providing a high-quality VET system for Australian students and also for international students.

Indeed, in Australia we are fortunate to have a strong system, but a system that was fundamentally in need of some key reform. That reform in 2011 established a regulator and put in place some fundamental building blocks to deal with the fragmented system that we
had in Australia. We had, I think, nine different regulators in this space creating uncertainty. As part of the COAG reform agenda it was agreed that this was an area where the Commonwealth ought to take a stronger role and we put in place the necessary legislation back in March. Having said that, it has come to the parliament's and the government's attention that there is a need to pass some amendments to further strengthen the regulation we put in place.

The Australian Skills Quality Authority has the huge task of putting in place the necessary regulation. It is a task that I am sure that that body is well placed to do. We have many thousands of registered training organisations around this nation, which demonstrates the strength of this sector. When we did not have as strong a set of regulations nationally as we could have had, unfortunately that created some difficulties for us internationally, particularly in Victoria, where some instances have been highlighted over the last few years.

I congratulate the Hon. Chris Evans, the Minister for Tertiary Education, Skills, Jobs and Workplace Relations. This is a huge task that we need to undertake. We have been in detailed consultation with the sector in terms of forming not only the body and the legislation that was passed back in March but also the amendments that we are talking about today that further strengthen the regulation in this area. I congratulate the minister for working closely with the stakeholders and for working closely with the Senate Education, Employment and Workplace Relations Legislation Committee, which has made some useful observations and recommendations following its inquiry.

National regulation in this area does require cooperation and partnership with other regulators in this space. I am referring to the states and territories in this sense. All of the states and territories have been cooperating with the Commonwealth. I point out that I understand Victoria and WA, instead of relying upon national regulation, have indicated that they will be passing mirror regulation in this space. That will be helpful in creating a standard system across this nation in this space.

Through consultation and submissions that were received by the Senate committee inquiry and stakeholder views expressed, we have agreed to introduce a number of changes to further clarify the role of the national regulator. In particular we will insert a number of objects in the act to assist the sector and the regulatory body we have established. That is to provide national consistency in the regulation of VET, to regulate VET using a standards based quality framework, and then, when appropriate, put in place risk assessments to protect and enhance the quality, flexibility and innovation for which VET has a reputation both within Australia and internationally. As I said earlier, this particular area of the Australian economy is very important; indeed, we rely on many tens of thousands of people making their way to Australia to receive a quality education. I think it is important that we do put in place the necessary arrangements to strengthen our reputation internationally, even though we already do have a very good reputation.

Furthermore, I think it is very important to protect students proposing to undertake VET by making sure that quality services are provided within the system and to facilitate people's access to accurate information relating to the quality of VET. This government has put in place a number of arrangements and tools to enable people to assess the quality of the services they might access from state and territory governments and of course the Commonwealth. MyHospitals would be one of those types of tools and My School another. It is important that
there are tools in place that enable consumers to make decisions based on the best information available, because we do want to have a quality system. We want consumers to be able to understand the system, to be able to assess the quality of those VET courses and to be able to understand what it is that they are accessing and, ultimately, buying. That is extremely important.

It is appropriate that we point out the quality work that was undertaken by the Senate Education, Employment and Workplace Relations Legislation Committee on this. It is not every day that a government MP praises the Senate, but I think the work that the committee put in certainly assisted the government to put in place the arrangements necessary to strengthen our VET system.

In my electorate of Corangamite and across the broader Geelong and south-west Victorian areas, we have a number of institutions that have contributed very strongly to the development of skills in this sector. Indeed, this government has a very proud track record of investing in vocational education and training skills. I wish to highlight Labor's Trade Training Centres in Schools program—and I am pleased to see the minister at the table now—which will help very much to provide opportunities for young people to access the VET system and will strengthen and provide employment opportunities in various sectors.

For a very long time, many people, particularly those on the conservative side of the political fence, viewed the VET system as a second-class system. That is not how the Gillard government view VET. As I have outlined, we are providing numerous opportunities for young people to enter VET. Australia has a very dramatic, emergent skills crisis, where we do not have enough adequately qualified people, particularly in the domestic trades area and in terms of supporting the mining boom that we are currently seeing. Investing in this area is extremely important and it is important that we have strong regulation over this sector. It is important because we are going to be putting more students through the system in the years to come, not less, and we need to ensure that there is a quality framework in place to ensure that young Australians have every opportunity to access a quality system—a system that is accountable and that is fundamentally transparent, not only in terms of training young Australians but also, importantly, for what has become a very substantial export market with the number of people travelling to Australia to access vocational style education.

Australia has a proud record in this area. I commend the minister responsible and I commend the education minister, the Hon. Peter Garrett, for his efforts in this space as well. This government will continue to support the VET sector. We recognise the important contribution that it makes to the Australian economy and to the lives of individuals, whether it be locally in my part of the world—the greater Geelong area—or, indeed, right throughout this nation. I certainly wish to indicate that the Victorian and Western Australian governments, if they are not prepared to operate within a national system, must as a minimum past mirror legislation in this space to ensure that we do have a national system as best as possible. I commend the bill to the House.

Mr Garrett (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (17:26): I want to thank members for their contribution to this debate on the National Vocational Education and Training Regulator Amendment Bill 2011. I particularly note the remarks made by my colleague the member for Corangamite.
In summary, the VET sector does play a critical role in building our nation and our society. The government recognises the challenge for the VET sector to be responsive to the needs for economic growth and increased productivity through skills, and also the need for a more mobile workforce ready to adapt to changing economic needs across state boundaries.

The National VET Regulator and the Australian Skills Quality Authority began operations on 1 July this year. The commencement of the authority is a great achievement and represents one of the most significant reforms of the VET sector in the past two decades. It has come about through the productive efforts of state and territory governments and the Australian government. Additionally, there has been real commitment from the VET sector for this reform.

The amending bill before the Main Committee addresses the concerns raised by stakeholders as well as the Senate Standing Committee for Education, Employment and Workplace Relations and the Scrutiny of Bills Committee when the act was passed in March this year. There had been extensive consultations undertaken with stakeholders and they strongly support the amendments included in this bill— in particular, the objects clause. The objects clause was developed in consultation with stakeholders and confirms that a focus on quality is a joint key priority for the VET sector.

The bill is also amending section 9 of the act, clarifying the operation of the law in all states and territories and addressing concerns raised by Victoria and Western Australia that the national VET regulation legislation interferes with state relating to apprenticeships and the management of TAFE organisations. Now that these concerns have been addressed, the Australian government again encourages Victoria and Western Australia to reconsider their decision to join the national regulatory framework.

Finally, the amending bill reflects the government's continued commitment to working with governments and stakeholders to continually improve the quality and consistency of training across the VET sector. The fact is that a strong, nationally consistent regulatory framework is a key step in achieving this, and the amendments contained in this bill are welcome improvements. I commend the bill to the Main Committee.

Question agreed to.
Bill read a second time.

Ordered that this bill be reported to the House without amendment.

Sitting suspended from 17:30 to 18:30

Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011
Consideration in Detail

Debate resumed.

The DEPUTY SPEAKER (Hon. DGH Adams): The question is that the proposed amendments be agreed to.

Mr HUNT (Flinders) (18:30): It gives me considerable pleasure to speak on the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011. The starting point is that the House is united behind this quite extraordinary bill. It is extraordinary because it identifies a certain section of our society comprising professional
firefighters and recognises that they expose themselves to a degree of danger and hazard which involves long-term risks to their health.

Numerous studies in the United States and Canada, and now in Australia, indicate that there is a correlation between service in the protection of our society against fire—in particular chemical fires and other major fires which cause hazard both in the firefighting process itself and in the long term—and the incidence of cancer. Firefighters as a group come in as a fit array of young people. Their general level of fitness is higher than that of the rest of the community, so in the ordinary course of events their natural disposition would be to have a lower rate of cancers in the long term. We see, however, that those leaving the profession have a higher risk of many cancers—including brain, bladder, kidney, non-Hodgkin's lymphoma, leukaemia, breast and testicular cancers. This bill is born of these facts, and it has managed to win the support of those on all sides.

The bill reverses the onus of proof, and that is a significant threshold which should be viewed with caution because to change the onus of proof and to assume that a cancer is caused by a particular line of service is an enormous step. However, we have to consider the international evidence, in part related to the September 11 tragedy and the extraordinary rate of illness and significant disease which has been brought upon those firefighters over the past decade. This legislation has been brought about in part by the evidence from Canada and now the evidence from Australia. Against that background of considerable and significant evidence the coalition decided to allow this bill to pass and in effect to provide the support necessary for it to do so. I was part of the joint cabinet discussions, and I acknowledge that Senator Abetz was a particular champion of this legislation. Many others have been supportive of it. It recognises the role of firefighters in protecting our community, and it also recognises that there is significant evidence that they place themselves in harm's way.

So this bill wins our support. It is a particular step in relation to about 2,800 firefighters, the majority of them in the ACT. ACT firefighters represent about eight per cent of the total number of Australian firefighters. I have given an undertaking to the volunteer brigades in my own community at the CFA level to put the case that they also wish for consideration of the safety and long-term health of volunteer firefighters. They include people within the Peninsula group of the CFA, including Boneo, Dromana, Flinders, Main Ridge, Mt Martha, Rosebud, Rye and Sorrento; within the Western Port group of the CFA, including Balnarring, Baxter, Bittern and Crib Point; within the Hastings group, including Langwarrin, Moorooduc, Mornington, Red Hill, Shoreham, Somerville, Somers and Tyabb; within the Bass Coast group, including Bass, Corinella, Dalyston, French Island, Glen Alvie, Kernot, Kilcunda, Phillip Island and San Remo; within the Casey group, which includes Clyde, Pearsdale, Warneet-Blind Bight, Devon Meadows, Tooradin; and within the Cardinia group, which includes Bayles, Koo Wee Rup and Lang Lang. That is an additional step. We would need to look at the data. We need to approach this with an open mind. If the data stacks up, then their case becomes equally strong.

On this day, we have the evidence in relation to the safety of long-term professional firefighters and the correlation between their job and risks to their health. On that basis, I am delighted to support this legislation and I note that is now our duty to look at the long-term health of and risks for our volunteer firefighters.
Ms SMYTH (La Trobe) (18:35): I am very pleased this evening to stand in support of the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011, along with the amendments that have been agreed to after fairly detailed and extensive consultation. I know very well that firefighters dedicate themselves to protecting our lives and our communities. They do extraordinary work in extraordinarily tough circumstances. So I am very pleased to be able to speak on this bill this evening, because it will go some way towards supporting our firefighters when they need it most—in times of illness.

I know that there has been ongoing consultation about the bill through the Senate's deliberations and the Senate committee inquiry, and I know that those processes have been informed by members of the UFU, by a range of firefighters and experts and by others who contributed to those very important and appropriate deliberations.

The work of both career and volunteer firefighters in my electorate of La Trobe is, I know, very much valued by our local community. I should note that I have heard from a number of my own constituents about their support for this bill, and I am sure that they will be glad to see the legislation passed, once it eventually makes its way through this place.

The Dandenong Ranges, which are within my electorate, are particularly exposed to the risk of bushfire, but I note that one of the federal government's most recent initiatives in protecting against the risk of bushfire is the contribution of over $800,000 towards building disaster resilience in the Dandenong Ranges. So the work that firefighters do is very well known to me. As it stands, the legislation before us will generally apply to career firefighters, since scientific knowledge has identified a generally higher incidence of cancers among those who attend structural fires. However, should new evidence emerge suggesting a comparable link between bushfire fighting and cancer, then I believe that that should, appropriately, be considered as part of any future review of the legislation. Career firefighters risk their health and safety each and every day in order to protect the community, and the government wants to ensure the removal of any unnecessary barriers that would prevent them from having their workers compensation claims recognised.

I particularly note that the government is moving an amendment to allow for further conditions that might be added over time, through regulation. For example, the government intends to prescribe the inclusion, in future regulation, of primary-site lung cancer, consistent with the recommendations of the Senate Education, Employment and Workplace Relations Legislation Committee and consistent with comparable North American legislation. However, also in line with North American firefighter legislation, the addition of primary-site lung cancer will be given to nonsmokers. The condition would be included through a proposed amendment which the government intends to develop in close consultation with experts and key stakeholders. The amendments that have been made to the bill, I hope, give further clarity to the legislation in ways that the government hopes will ultimately be of benefit to firefighters.

It was initially unfortunate to read in our national press that, at first blush, members of the opposition, including a number of Victorian Liberal MPs, had expressed concerns about supporting the legislation. I gather, however, that those MPs have not prevailed. I particularly commend the member for McMillan for his personal and very steadfast support for this bill.

The government supports the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 and will table several technical amendments to ensure
that it operates in a fair and sustainable way and that it is consistent with the requirements under the rest of the act. This government appreciates the endeavours that firefighters make, both career firefighters contemplated by this bill and the amendments to it and also the very many volunteer firefighters who put themselves at risk in fire prone areas of my electorate and in parts of the Australian community where there is considerable risk. The resulting risks to their health should be reflected upon and appropriately dealt with in legislation. It is particularly pertinent that we are doing it through this bill and the detailed amendments today.

Mr TEHAN (Wannon) (18:40): I rise tonight to speak on the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011, a bill the coalition will not be opposing. The reasons for the introduction of this bill have been outlined by previous speakers. In particular, it comes about because of the higher incidence of diseases which occur in our firefighters and they are: primary site brain cancer, primary site bladder cancer, primary site kidney cancer, primary non-Hodgkin's lymphoma, primary leukaemia, primary site breast cancer, primary site testicular cancer and some other forms of cancer, which are also included in this table.

From overseas studies and from studies here in Australia it is shown that our firefighters are incurring these types of cancers at a higher rate than the general populous. Given the fact of their general health and the tests they undertake to qualify as firefighters, it seems there is a link between the job they are undertaking and the diseases which sadly they are incurring.

The coalition is not opposing this bill but its support has come with—it is no secret—considerable discussion because it reverses the onus of proof. This is something which is quite unique and something which we on this side have had some very serious discussions about because reversing the onus of proof could lead to the start of a process for other sectors to go down this path. It was only sensible and rational and showed the ability of us on the coalition side to discuss these matters in full and to look at all the consequences. That is what indeed happened and in the end the coalition has decided not to oppose this bill.

I have been a volunteer firefighter and have seen first-hand what firefighters have to undertake when attending road accidents where there are chemical tankers which have overturned. I must confess I have not seen or had to attend fires where houses have been on fire but I have fought fires which have threatened houses. I take this opportunity to take my hat off to all those firefighters both urban and rural who put their lives and, in some cases—as the evidence from Canada and here indicates—their health at risk for the job that they do. It is a very difficult profession which requires extraordinary bravery. I think all of us in this place take our hats off to the courage of the men and women who undertake it. It is in large part for their heroics and bravery that the coalition had decided that we will not oppose this bill.

Ms OWENS (Parramatta) (18:45): I also rise to support the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011 with some pleasure. There are people in our society, firefighters among them, who work very much at the front line when keeping us safe. Firefighters will go into a burning building to save property, and they go well and truly above the call of duty when lives are at stake. For most of us, it is just a job that is done. We see them in their red trucks and we know what wonderful work they do, but few of us really understand the risks that they take to life, limb and mental health when they do their job. Few of us know that they do not talk about what actually happens when they
attend an accident where a semitrailer has run over a person or someone has been run over by a train. These are circumstances and events that stay in their minds for the rest of their lives.

Similarly, when firefighters move into a burning building, they are subjected to toxins that we now know beyond doubt lead to increases in cancers. The original bill referred to one cancer. Mr Bandt has moved an amendment to increase the number of cancers listed to include multiple myeloma, primary site lung cancer in nonsmokers, primary site prostate cancer, ureter cancer, colorectal cancer and oesophageal cancer. The government is prepared to support that amendment in the interests of fairness for firefighters.

The science underpinning this legislation is pivotal to its justification. Given the quantity and quality of evidence collected around the world, there is no doubt that there is a link between firefighting and increased incidence of certain cancers. That has been demonstrated beyond doubt. I should say that we are talking about career firefighters. We are talking mainly about the men and women who go into burning buildings, because the science demonstrates that that is where the toxins are released. But, if at some time in the future there is scientific evidence to demonstrate bushfires also lead to increased risk of cancer, then the government will consider that as well.

Similar legislation has been in place overseas for nearly a decade, and in recent years it has in fact been strengthened as more evidence has been found to show that cancers result from exposure to the toxins in burning buildings. Studies conducted around the world, including in Australia, in the 1980s demonstrated that certain types of cancer are caused by the release of carcinogens, and these are the various substances that firefighters are exposed to in the course of their daily work.

On the matter of lung cancer, the government intends to prescribe it at a later date. The issue is in the definition of a nonsmoker. That definition will be developed by the government in consultation with experts and key stakeholders. So dealing with lung cancer will come at a slightly later date.

In many parts of Australia our firefighters wear the very best of equipment and the very best of clothing, but because of the kind of work they do it is important that the clothing they wear breathes. If it did not, firefighters would no doubt have very serious issues given their high heart rates in the circumstances of their work. Their clothing breathes, which means that even with the best of protective gear they are exposed to substances that are absorbed into their skin through the course of their work. When firefighters start in the job they are some of the fittest people in the country. The firefighting service is extremely difficult to get into and is very competitive, I am told. As I said, when they join the service they are among the fittest people in our community but, within five years of working under those conditions, they are almost twice as likely as the average person to contract leukaemia, and there are other forms of cancer where the risk is much, much higher than that. This bill recognises the realities of work as a fireman. It recognises that we support them not only in the work they do but in the lives that they live because of their work. I commend the bill to the House.

**Mr SIMPKINS** (Cowan) (18:50): Given the fact that I have three metropolitan fire and rescue service stations in my electorate of Cowan, I am very pleased to join in this debate on the Safety, Rehabilitation and Compensation Amendment (Fair Protection for Firefighters) Bill 2011. I have the greatest respect for the emergency services and the great job that they do for the community. I would like to speak about the work undertaken by the firefighters and
the risks they take in order to protect our community. Not only do they have to face deadly fires and the dangerous outcomes that can result from damage to structures caused by fire, heat and water, but they are also responsible for facing chemicals and hazardous substances, the nature of which may not even be known at the time of combating the threat. Added to those overt dangers is the additional hazard of having to wear protective clothing and use breathing equipment for protracted periods as well as work with foams and suppressants necessary to combat the threats. Clearly it is a high-risk employment, and they are not circumstances that other vocations share.

I am very happy to add my voice to this debate and speak about the inclusion in the Safety, Rehabilitation and Compensation Act 1988 of seven specific cancers relating to firefighter employment with their specified qualifying periods. Those cancers are: primary site brain cancer; primary site bladder cancer; primary site kidney cancer; primary non-Hodgkin's lymphoma; primary leukaemia; primary site breast cancer and primary site testicular cancer. Through this legislation a firefighter, who has achieved the specified qualifying period and has been consequently diagnosed with a specified cancer, then has their employment taken as being a dominant cause of the contraction of the disease. To me it is not right that under these very special and unique employment circumstances a person should have to prove the length of service when so many relevant carcinogenic risks are involved.

I thank my constituents who have contacted me and raised this matter and thank some of them who made contact, although there were more. Thank you to Kelvin Lockwood, Dean Fanderlinden, Ronan Gilmore, Sarah King, Claire Gregory, Michelle Williams, Chris Arter, David Parody, Gillian O'Callaghan and Paul Woodward, who all sent emails to me. I also thank those who sent additional emails in the way of follow-up: Kevin Jolly, James Hunt, Michael Sciaresa, Jason Cuperus, Timothy Jones, Darren Guelfi, Jacqueline Hardingham and Peter Chappell. I personally know Tim Jones from church and also from Kingsway Christian College, where his son, Paul, just became dux for 2011, so I congratulate Paul, and also Tim for his information to me. It is certainly an outstanding family.

As I previously said, I have three fire and rescue service stations located in Cowan: Joondalup, Wangara and Malaga. Four shifts at each station provide 24-hour protection and support to the surrounding areas in the northern and north-eastern suburbs. I previously visited Wangara Station earlier this year and met C shift. I have great confidence in all of these stations and in the members on each of the shifts.

In the last few days I have received further emails regarding additional varieties of cancer that should also be included such as: multiple myeloma; primary site lung cancer in nonsmokers; and primary site prostate, ureter, colorectal and oesophageal cancers. I have not had the opportunity since joining the list of speakers for this debate this morning to ascertain any great detail on these additional cancer types. However, from a look at the Cancer Council of Australia's website, it would seem that more information is required before these forms of cancers could be added. I am not saying that they should not but, given that one in 10 men are diagnosed with colorectal cancer by age 85, the already high frequency does make me feel that a clearer medical link is required. Similarly, the frequency of prostate cancer in men is significant without any known cause. The vocational link is again not clear to me.

I believe that further consideration is warranted of these additional cancers and that in the future such considerations should involve the medical evidence, the causal links to the
vocation and how firefighters can be better protected and looked after. It is my understanding that this bill has primary coverage for those employed in the ACT; however, it will be influential for other firefighters around the country. I think the focus on these matters should cause the Fire and Emergency Services Authority in WA to continue to vigorously explore the procedures, the equipment and the exposure to risk factors of all firefighters. The firefighters do a great job for our community, and FESA must examine the processes, procedures and exposures to risk in order to minimise the threat to those who help our community.

I close by again thanking the shift teams at Joondalup, Wangara and Malaga fire and rescue stations for the great job they do.

Ms O’Neill (Robertson) (18:55): I feel very privileged to be speaking here in this place on this day to this bill and the amendment. It is very timely that we discuss these matters given that many of us are wearing a little grey ribbon to help signify that it is Brain Tumour Awareness Week internationally. It is very important to address the consequences of cancer in any person, and in particular in firefighters when we think about the lack of choice of workplace which firefighters have to attend to. You cannot choose the sort of fire that you are going into; if you are going into a fire, you are going in to find what is there. You are going to be breathing the air that is generated there, and the evidence is very clear that firefighters, essential workers in our community on whom we rely for our very lives, are going into toxic contexts. So it is important that this bill comes before the House to improve the outcomes and access to workers compensation for these vital people in our community.

I cannot say that I ever dreamed of being a fireman when I was young, but I certainly have watched my son have dreams of becoming a fireman. I have practised 'get down low and go, go, go' with the kids. We have probably all experienced the fireman's healthy and sustaining reach into our lives. Recently I was very privileged to spend three days on HMAS Stewart in the Red Sea, where I underwent a small example of firefighting onboard. The conditions of a trial run in which I was fully covered gave me a very short experience—and, hopefully, the only experience in my entire life—of having to be in a suit. But our firefighters find themselves in real-life crisis contexts.

It has been put on the record in this place today and through the work of the Senate Standing Committee on Education, Employment and Workplace Relations, which investigated this matter in its international context, that there is very significant, deliberate information which states that firefighting is one of the most studied occupations in the world, especially when it comes to cancer, and that many studies—in fact, dozens of major studies—have been made around the world over the last 20 years. They have absolutely confirmed that there is a definite connection between firefighting and elevated cancer risk. Given that reality, the amendments that were put forward to the bill by the member for Calwell and the member for Melbourne this morning are important legislative tools to ensure that we provide the best access to workers compensation for those critical workers in our community. The Senate committee inquiry into the bill recommended that the number of listed cancers be increased, and that seems absolutely appropriate. Now it will include multiple myeloma, primary-site lung cancer in nonsmokers, primary site prostate cancer, ureter cancer, colorectal cancer and oesophageal cancer.

There is science underpinning this bill, but there is also good acknowledgement of the real-life risk that firefighters face, and I want particularly to mention Billy McLean, who is a
larger-than-life character in our local community. He works at the Umina Fire Station in the seat of Robertson, which I am privileged to represent here. In addition to his courage and that of his colleagues in going and fighting the fires in our area, we often find that—although they are overrepresented in work related injuries and illnesses—our firefighters are among the most generous people in our community. When the floods took hold of Queensland, I was able to go to an event—they called it 'the 000 emergency fundraising event'. Billy McLean and many of the firefighters from the Central Coast were there doing their bit to help out other Australians. With the generosity that they showed and their bravery, they certainly deserve our recognition and accolades today. They also deserve our support through the very practical measures in both the bill and the amendments which are before the House for consideration on this day.

I will close with a happier thought. We are talking about men and women who give their lives to—and lose their lives way too early because of—the work they do. But I was pleased to spend Friday night with Reg Brown, aged 82, a former firefighter who received a McKell award for his services to the Labor Party. They are all good people there and I am sure our amendments will make a big difference to their life outcomes and to their families.

Debate adjourned.

PRIVATE MEMBERS' BUSINESS

Dairy Industry

Debate resumed on motion by Mr Broadbent:

That this House notes the importance of the dairy industry to the health and well being of Australia.

Mr BROADBENT (McMillan) (19:01): Thomas Jefferson once said that all men are created equal. We know in this House that all men and women are not created equal, at least not in the way that some would have us believe. Some are smarter than others, some have greater opportunity by birth, some make more money than others, some women make better cakes than others, some people are born gifted beyond comparison—and then some choose to be dairy farmers. You must have a special gift and a special way with the world to be a dairy farmer. Good dairy farmers grow great grass which makes healthy cows, quality milk and health products for a nation. These people are part scientist, part horticulturalist, part labourer, part shiftworker and part mechanic. They are schooled in hygiene, refrigeration, nutrition and animal husbandry. They are skilled in carpentry, fencing, drainage and road making. They are able to continue to work seven days a week, under any weather conditions, from daybreak to day's end and into the night during calving.

Who in their right mind would choose to be a dairy farmer? In my 50 years, I have spent no more than two days in dairy sheds. In those two days I learned that I was not to become a dairy farmer. But the business we were in grew out of dealing with the dairy farmers. They were the farmers in my community, along with potato growers, swede growers, pea growers and asparagus growers. The biggest area was dairying and, as a youth, most of the farms were about 40 acres. Off that 40 acres, they could educate their family and they could buy a new Holden every two years.

The world has, of course, changed. Since 1950, dairy farmers have had to face deregulation at a local, state and then federal level. That affected every farmer from North Queensland all the way to Tasmania. That deregulation was difficult and made great changes to the industry.
In my time, I can remember—and there have been more—three major droughts: 1968, the 1980s and the last one, which lasted from 1997 to 2010 before it rained. They faced floods and they faced fires; I have mentioned the droughts. They faced high interest rates in the early nineties and low milk prices. Today they face rising costs for feed, power, fertiliser and every other area of their work. They are an amazing family.

I remember when one of the young people connected to a dairy farm had won a prize—I do not remember what the prize was. I said: 'We'll deliver it to the farm—it'll save them coming to the office. We'll get in the car and drive to the farm.' It was a cold, horrible, wet, rainy night. The last time I had seen the woman I found at the farm, she had been dressed immaculately for a night-time function. When I arrived at the dairy farm there were water and dirt everywhere. It was pouring with rain. She had gumboots on and three pairs of tracksuit pants with a pair of waterproof pants pulled over them, a great big jacket and a hat pulled down over her head. She did not want me arriving at that time to say hello and deliver the prize. I thought, 'This is dairying.'

I remember another time, in the middle of the drought, I received a call from the brother of a farmer—and I will name no names. The brother lived in the city, and he said, 'My brother's in trouble and he's not telling anybody.' I drove to the farm and the farmer hopped into my car. I said, 'Let's just drive round the farm and you can tell me the story of what's happening.' It was at the height of the drought, and the government had done good things such as sending the drought bus around, but some farmers still did not approach the drought bus. They would not let their guard down enough to say, 'I'm in trouble.' I thought that the only thing I could do for this dairy farmer would be to let him know that it was alright to go to the bus and that there was no crime in admitting that there was an issue there.

We drove around the farm. He showed me the farm and told me how proud he was and what they had done, but there was no water in the dams. He was carting in truckloads of water every day at huge expense just to keep the farm going. At the end of it we sat down and had a talk. I said: 'You're not on your own. I've spoken to a lot of your compatriots that are dairy farmers in this area and around all of my electorate. It's a good thing to go, because we are here to support you in this industry at this time.'

At that time my electorate was not getting the drought relief that many electorates in the rest of Australia were getting. I had to go to the Prime Minister and say that my farmers were at a disadvantage compared to other dairy farmers across Victoria, because they lived in a different shire. John Howard, as Prime Minister of the day, never, ever let me down. From his visit to my electorate, as only a prime minister could do in those circumstances, our farmers received drought relief and support. We turned the corner with government support equal to that for every other farmer suffering from drought at that time across Australia.

That farmer had a good story. He did go to the drought bus and things did turn around. Local members—I praise them all on both sides of the House and I have spoken about my respect for members before—sometimes can make a tiny difference that no one except the family in the situation they were in at the time will ever know anything about. Members do make a difference. I could go into all the statistics and bore you witless about how much better my dairy farmers are than those down in the districts near Geelong—but I will not. There are those who are still fighting the fight to supply fresh milk into Queensland and New South Wales against the onslaught of the big retailers, who want to sell milk at $1 a litre so
that they can increase their market share eventually at the cost of the producer, the dairy farmer.

Do I have an answer for that today? I say to the member for Corangamite: no, I have not. I do not know how to address that issue, but I know in the long run it will go all the way back to the producer, the person who grows the grass that produces the cow that delivers the milk. And, remember, we export out of my area some 45 per cent of what we produce. That protein goes to countries that cannot produce that protein. We do things for poorer countries out of the wealth of what we are able to produce.

I take great pride in my dairy farmers throughout Gippsland. Whatever we as members of parliament can do to support them in their daily work, as experts in their field, as highly talented, creative farmers, we should do on every occasion. We should support them and tell them how much we appreciate them.

Mr CHEESEMAN (Corangamite) (19:11): Today I rise to speak about the very important contribution that the dairy industry makes to the Victorian economy, and particularly about the contribution out of south-west Victoria. Whilst we have a number of friends in the gallery I will acknowledge the fantastic work that the firefighters union has done in representing the interests of many people in my electorate—the paid firefighters—particularly in terms of the exposure they receive through their duties as firefighters. As someone who has worked very closely with a number of Victorian fire agencies, particularly DSE and Parks Victoria, I know the fantastic contribution that the unions in that sector make. I would like to acknowledge Peter Marshall for his presence today and for the hard work he has put in around the halls of power in making sure that firefighters are looked after. Regarding the chemicals they are exposed to in the course of their duties, hopefully the amendments and the legislation we have been debating will be passed on Thursday, to provide them justice.

Today I take the opportunity to acknowledge the fantastic work of the dairy industry within south-west Victoria, which very substantially provides to the Australian dairy industry. We have somewhere in the vicinity of 22 per cent of the industry nationally in south-west Victoria. It equates to about 38 per cent of the Victorian dairy sector. I share the views that presented by the member for McMillan on the absolutely fantastic contribution that the dairy sector makes. Indeed, I would hazard a guess that, in the federal seat of Corangamite, the dairy industry would be the largest exporter. We have a number of very large exporters in the broader region, and dairy would certainly be right up there. Raw milk production within our part of the world is valued at about $2.4 billion according to the 2008-09 figures. Victoria produces about six billion litres of raw milk. Overall Victoria produces about 85 per cent of Australia's dairy products, largely between the three dairy districts of south-west Victoria, the Murray district and the Gippsland district. This equates to about $1.76 billion worth of exports to the Australian economy. Indeed, the largest single value commodity that is exported from the Port of Melbourne is dairy related. In 2006 there were some 13,232 people employed in the dairy sector and around 8,000 of those were employed in the dairy production sector, which is the manufacturing and value-add component within that.

Australia is a very substantial player in the world market. We equate to about 10 per cent of the international export market, with New Zealand, the European Union and the United States making up the balance of the large export markets. Australian farmers are probably the most innovative dairy farmers anywhere in the world. Australia was one of the very early
movers in putting in place arrangements, particularly through the eighties and nineties, to ensure that deregulation took place, which has led to some substantial innovation taking place. But that is not to say that there are not very substantial challenges. Those challenges come from a world where there is not a level playing field. Australia has removed most of its barriers to trade, but many other countries—particularly the European Union and the United States—have put in place trade barriers, which of course disadvantages Australian dairy farmers in the production and selling of milk on the international market.

Dairy farmers in Australia, particularly in my part of Victoria, have been extremely innovative and have looked at the way in which they undertake their business and have put in place a raft of world-leading practices to ensure that they can compete against what is often a very unfair international marketplace, particularly in terms of world’s best practice in dealing with things such as feed management, animal management and the use of water. The member for McMillan spoke about the consequences of drought and the difficulties that many dairy farmers have experienced over the last few years with drought. One can only imagine what will take place in the years and decades to come as a consequence of climate change leading to a drying eastern seaboard.

The member for McMillan very eloquently spoke about the type of work and the way work is organised within the dairy sector. It is true that the hours that they have to work are very unsociable, with very, very early mornings and, if they are milking a couple of times a day, late afternoons as well. Dairy farms have changed dramatically in the last 30 to 40 years. In many parts of Victoria where there have historically been dairy farms the farms are much bigger today than they were in the years and decades previously. Indeed, in south-west Victoria we are seeing a lot more neighbours buying out neighbours to ensure that their farms are economic in terms of scale, and I think we will continue to see a lot more of that in the years to come. As I said earlier, the Victorian dairy sector has contributed enormously to the wealth of this nation. Dairy farmers continue to strive to find best practice in the way they undertake their work. I have many thousands of dairy farmers in my part of the world and many thousands of workers that work in the process chain as well. Certainly, I recognise the very substantial contribution the dairy sector makes to south-west Victoria and more broadly to the Australian economy. Indeed, south-west Victorian dairy farms produce goods that are valued in excess of $2 billion. As you can see, it is a very substantial part of the local economy. I acknowledge the difficult times that dairy farmers have been through, particularly through the drought over the last few years, and look forward to working closely with them to ensure they remain competitive on the world stage. The Commonwealth government looks forward to doing everything it can to ensure that their businesses remain competitive.

Mr TEHAN (Wannon) (19:21): It is with great joy that I rise this evening to support this motion moved by the member for McMillan. I must thank the member for McMillan because when he said he was going to move this motion he asked me whether I would be prepared to second it. It was with great delight that I said I would, and I congratulate him for moving this motion. There are 1,500 dairy farms in western Victoria. They currently produce around 2.1 billion litres of milk. That is nearly a quarter of Australia's milk production. The processing sector processes that milk into cheese, ice cream, drinking milk, milk powder et cetera for the domestic and international markets. In total, the farm and processing output plus the service
provider industry value that hangs off it provide about 6,000 jobs and $4 billion to the
economy of western Victoria. That is about one third of the region's economic activity.

I stand here tonight to say that the dairy industry is crucial, it is vital and it is terribly
important to the economy of western Victoria. It has been interesting to note what the member
for Corangamite has said because, sadly, one of the greatest threats to the industry is the level
playing field. But it does not come from trade barriers. It comes from the carbon tax because,
if you look at the way dairy has been treated in other countries' ETSs compared to how it is
being treated here in Australia under the carbon tax, it is going to suffer and suffer
significantly. Under the European ETS, all the major dairy manufacturers are exempt from
paying the ETS because it is a trade exposed, emissions intensive industry. The reason given
is that the Europeans are worried that jobs and industries will move offshore.

I appeal to the government, and it is not too late, to think seriously about the impact that
the carbon tax will have on the dairy industry in Australia. You can still make amendments.
As a matter of fact, I understand that
in March there will be amendments made to the
legislation. Think long and hard about the impact that it will have on the dairy industry. There
are jobs at risk. Employment could be affected by your carbon tax. All you need to do is say,
'Okay, yes, dairy is trade exposed; yes, it is emissions intensive; yes, in the European Union it
was looked after.' If we are to be fair dinkum and if we are to have the so-called level playing
field, how dairy was treated in the European Union is how it should be treated
here and our
processors should be exempt.

I appeal to the government, once again—and I have done this on numerous occasions—to
think long and hard about what impact the carbon tax will have on our dairy industry. It is all
well and good to come in here and
talk about the importance of the sector but we have to
remember that it is a trade-exposed sector, and therefore any extra cost you put on it means
that it is harder for them to be able to sell those commodities overseas. Ultimately, our dairy
processors within Australia have to pass those costs back to the dairy farmer. They cannot
increase their prices on the international market, they have to pass it back to the farmers.

The research shows that the carbon tax will cost dairy farmers—this is research which the
government has seen—between $5,000 to $7,000 per farm. That is a hit which they cannot
take at this stage and, as it has been pointed out to me, that is at a minimum. Larger dairy
farmers will have larger costs than that $5,000 to $7,000. So I take this opportunity to applaud
the 1,500 dairy farmers in western Victoria for the contribution they make to the local
economy, to jobs and to providing ancillary jobs. But I also use this opportunity to say to
those members opposite to think about the harm their carbon tax is going to do to this sector.
It is not too late: act on dairy farmers' behalf and change your legislation.

Ms HALL (Shortland—Government Whip) (19:26): This is a motion that is close to my
heart. I grew up in a dairy industry area on the north coast of New South Wales. Overwhelmingly,
the main industry in that area was dairy farming. In addition to that, my
father-in-law was a dairy farmer. Unfortunately, he went bankrupt a couple of times simply
because of the hardship involved in dairy farming. The times when he really struggled were
not under a Labor government but under a Liberal-National Party government.

There have been many reforms over the years within the dairy industry. As I said, I came
from the Mid North Coast of New South Wales and at that particular time there were two
separate systems operating. There was the quota system and there were areas like the area I lived in that fell outside the quota system.

If you were in the quota system you are much better looked after financially than if you were in the non-quota area that I grew up in. I had many friends who lived on dairy farms and I watched them and their parents struggle through the years. Some of them managed to survive, but some of them actually had to leave their farms. I think this is indicative of what happened throughout Australia. Over the years, technology has changed and methods of farming have changed; the way people buy and use milk and the way it is supplied—the whole process from farm gate to the supermarket—has changed.

I hate to admit to this, but when I was a young girl we used to have the milkman delivering the milk and cream to our house in the billy can. The father of my best friend at the time used to drive the milk truck and he would go around collecting milk from all the farms in the area I lived in. If you compare that to what has happened today you can see that there has been such a phenomenal change within the industry. Because of that change, in many ways many dairy farmers have been marginalised. We are getting bigger concerns and fewer dairy farmers.

My father-in-law ran a little country farm and he was very embracing of new technologies. He introduced milking machines, which were very new in his area. He introduced technology into his farming that was very scientifically based. But, even doing those sorts of things, he was not able to succeed because there were so many other variables that impacted upon his small dairy farm. My husband and his siblings look back on that time as the best time of their lives. They talk about going to school on the milk truck and all those things that we as a nation have lost.

Today we are talking about dairy farming in a totally different way. We are looking to ensure that a little bit of our history manages to survive, and part of that history is that small dairy farm that is situated in the hills around the town that I lived in and along the river flats. As much as I hate to say it, that is nearly a thing of the past, as are so many things that have changed in our society. I support our dairy farmers, I support our farmers, I support the enormous contribution that they have made to our country and I support the role that they have played in our history. I think that the person I am today and the knowledge that I bring to this parliament have been influenced by the contribution made to our country by dairy farmers. (Time expired)

Ms MARINO (Forrest—Opposition Whip) (19:31): I strongly support the motion moved by the member for McMillan and I thank him for bringing it before the House. I am a dairy farmer and I know first hand that the dairy industry in Australia is our third largest rural industry. It is a major regional and urban employer of approximately 40,000 people, directly on dairy farms or in transport, milk processing, manufacturing or the marketing and distribution of high-quality products, as well as in research and development. We in our industry are continually improving herd management, productivity and efficiency and are producing from predominantly pasture-based farming what you might call free-range milk. Each farm has a documented on-farm safety program, HASP quality assurance auditing and full traceability.

The dairy industry was worth $3.4 billion in 2009-10, ranking third behind the beef and wheat industries. It is a leading rural industry in terms of value adding through downstream processing—something that is not well appreciated. It is often the industry that underpins
many small communities and local economies. Dairy farmers contribute directly to local volunteer organisations, emergency services and sporting groups. It is often their tractors and farm implements that are used for community projects and fundraising efforts. In Western Australia we only have just over 160 dairy farmers left in the industry. We might need to talk to Coles and Woolies about that as well.

Dairy farmers around Australia have to compete in international markets with many countries that support domestic pricing through a combination of tariffs, subsidies, import restrictions, government purchasing and subsidised disposal of surpluses. Now we have another hand behind our backs because, as we heard earlier, we are going to be hit by a carbon tax. There is no way that someone in a domestic market like Western Australia can pass that cost on—you have to absorb it and wear it in your business. This is a real issue for dairy farmers right around this nation and particularly in domestic market states.

How many of us take for granted the quality of milk products in Australia? I would say just about everyone. Everybody assumes it is always going to be there and it is going to be best in the world, which is what we produce, but I do not know how many understand the nutritional value of dairy foods. It is a unique package of over 10 essential nutrients that are important for healthy blood, nervous and immune systems, eyesight, muscles and nerve function and for healthy skin, energy levels and growth and repair of all parts of our body. Dairy foods such as wonderful icy-cold milk, cheeses and yoghurt contain proteins, vitamins and minerals—magnesium, potassium, phosphorus and all sorts of wonderful calcium. We should all know that we need three serves of calcium every day as part of a balanced diet, to build and maintain strong bones and prevent osteoporosis. This occurs where we lose calcium and other minerals, and the bones become fragile and tend to fracture easily. It affects one in two women and one in three men over 60 in Australia. Healthy Bones Week is in August each year. Over the years we have seen excellent marketing and information campaigns based around the simple message: are you getting enough? In previous years in my role in the industry in a voluntary sense at the royal show, I used to get a lot of feedback from the city based consumers when they would walk into the pavilion and I would ask, 'Have you had it today?' They would look at me with a very interesting look on their faces! What I was referring to of course was whether they had had their milk that day and their three serves. This was a voluntary marketing and promotional effort and I would wear a badge that said, 'G'day, I am a dairy farmer.' A number of city people would come up to me and say, 'You are not really a dairy farmer.' I would ask, 'What do you want to know?' Their response to what I had to tell them about life on a dairy farm was interesting. I was told, 'You do not look like a dairy farmer,' and I would ask, 'Well, what do we look like?'

I also want to mention the efforts of a wonderful group called the Milk Industry Liaison Committee. This is a group of women who have worked tirelessly in the dairy industry in WA in some extreme circumstances. It is an industry under pressure. It is an industry that struggles to drive commercial returns and attract the value into the supply chain that it really does deserve. It is producing a high-quality product every day of the year, day in and day out, no matter what the weather is. I say to every dairy farmer who is out there at the moment in my part of the world, 'Hey, we've mowed, raked and baled,' and I know that all my mates are out there doing exactly the same thing. They milk their cows morning and night and they are out there in the paddocks all day. They do it for no thanks and frequently very minor returns on
Ms Saffin (Page 19:36): I rise to speak in support of the honourable member for McMillan’s motion that reads:

That this House notes the importance of the dairy industry to the health and well being of Australia.

It is a simple statement but it is one that encapsulates correctly the sentiments about an industry that is of critical importance to our economy, particularly to our rural agricultural base. As we have heard, it is the third largest rural industry in Australia, employing over 40,000 people directly and indirectly.

It is also an industry that is steeped in history, in particular in my home area in the Northern Rivers and my home town of Lismore. Lismore is home to Norco Co-operative Ltd. That is a co-op that is 100 per cent farmer owned and has been in operation since 1895. Now in its 116th year, I am pleased to report that it is still going strong and has been able to rise to all the challenges that it has faced. In the co-op’s own words, it says that it has been subject to challenges and a stimulating environment but it has had many successes. With other members’ indulgence, I want to read into the public record in Hansard something from the 2010 Norco annual report out of its corporate profile. I read it and thought of different ways I could paraphrase it, but Norco says it so well that I just think it is important to have that on the record. It says:

Norco is a name that is synonymous with the manufacture of quality dairy and other food products such as milk, ice cream and stick lines at three factory locations under the Norco Foods business unit. Norco Foods also retails the range of Nimbin Natural cheese—which I have in my fridge. I have a lot of Norco products in my fridge—which is a successful and growing brand for the co-operative. Norco also has a Rural Retail business unit operating 24 rural stores in Northern New South Wales and South East Queensland. This business unit also operates a wholesale division at Darra in Brisbane servicing the needs of other rural businesses along the east coast of Australia.

I think Darra might be in Oxley, is it?

Mr Ripoll: It is, yes.

Ms Saffin: I had to think then! Growing up in Ipswich, I know Darra; I was just getting the honourable member for Oxley’s attention!

Norco also operates an agribusiness division incorporating Goldmix Stockfeeds, Crest Seeds and Meaty Bites that manufacture quality stockfeed, birdseed products and pet food. With 260 active shareholders in 165 dairy farms Norco has a membership capital base of six million and an annual revenue of $351 million. The board has seven directors and the chairman of the board is Greg McNamara who does a brilliant job and has been the chair for quite a few years. He makes sure that that cooperative stays in good health. I pay tribute, as well, to Brett Kelly, the CEO.

The 2009-10 financial year, which is the one reported on in the most recent annual report, has been, as Norco say, ‘stimulating and challenging’. They have undergone the knock-on effects from the global financial crisis which continue to be felt both domestically and internationally. They also say that the focus for 2009-10 financial year was to reduce debt and expenses, and they have done that. They have increased their profitability and have a record
improvement of 12.8 per cent over the 2008-09 financial year. That is a real credit to their operations.

The area in which I live was locked out of the Sydney milk market for a long time. I pay tribute to a Labor minister, Don Day, who is a local member and got us into the Sydney milk market. He was respected by everyone on all sides. He was a very good minister and was very able. It was his efforts that got us into that market, and it made a big difference to our area. (Time expired)

Debate adjourned.

**Child Care**

Debate resumed on motion by Ms Ley:

That this House:

(1) notes that:
   (a) in the 2010-11 Budget, the Gillard Government has not considered the implications of removing Commonwealth funding for Occasional Care Child Care; and
   (b) the consequence of ceasing this funding has caused Australian families real hardship as they struggle to find alternative sources of child care;

(2) acknowledges that:
   (a) there are no other Commonwealth funded forms of child care to fill this void; and
   (b) withdrawal of this funding has resulted in job losses in the industry; and

(3) calls on the Government to reinstate Commonwealth funding for Occasional Care Child Care.

**Mrs PRENTICE** (Ryan) (19:42): I am delighted to have the opportunity to speak on this motion of the member for Farrer, who will be addressing the chamber in the near future. I speak in favour of this motion as child care provides an important service to our society. It allows children to interact with their peers and become more independent from a young age. It gives parents flexible options with regard to working and family arrangements. It is vital that child care is easily accessible and affordable.

However, child care is becoming more and more expensive for families with a myriad of changes implemented by state Labor governments putting increased pressure on both this sector and on the families it supports. In my home state of Queensland proposed changes to DECKAS, the Department of Education Community Kindergarten Assistance Scheme, found that the arrangements have caused the largest provider in the state, C&K, to advise their affiliates that they will need to increase their prices, with most now looking at charging $25 to $28 a day. This is a sharp increase in the current daily out-of-pocket expense and may well price many families out of early education altogether.

These increases are not restricted to Queensland alone, with changes to the staff-to-children ratio regulations, introduced by the New South Wales Labor government, in anticipation of proposed national reforms. This has resulted in some Sydneysiders paying up to $100 per day for child care. There have also been reports of families on waiting lists at centres for up to two years. One report states that 40 per cent of families believe that child care is so expensive that it is not worth them working, but only 12 per cent have said that they do not need it.

The industry is already struggling and it is clear that the government has not considered the full implications of this cut to occasional child care. The Gaythorne Community Kindergarten
and Limited Hours Care has written to both Minister Kate Ellis and me regarding the effects that this cut will have on their centre. The centre is community based and is a not-for-profit organisation which over the years has adapted to the needs of families in the Gaythorne area and the surrounding suburbs by taking the initiative and providing an invaluable service. It was clear from the pages upon pages of support letters and endorsements that accompanied their submission to me that the Gaythorne Community Kindergarten and Limited Hours Care is not only needed but also highly valued by the local community. This was also clear earlier this year when I visited the centre with the Hon. Sussan Ley, our shadow minister and member for Farrer, who is getting out and around Australia and talking to the real people who will be affected by this government's proposal.

The implications of the budget cut to occasional-care child care would see the service lost to the families of Gaythorne. It would mean that children would lose the socialisation that is vital to their development and happiness. It would also see the seven staff the centre employs, and their families, face uncertainty about their future. It would also affect the children of families who are already on the long waiting list to attend the centre. In short, the impact of this budget cut, which has only come about due to this government's reckless financial mismanagement, means that Australian families and Australian children are being put at a disadvantage at a critical point in their lives. The minister's own website states:

The government has an ambitious agenda to improve the quality, affordability and accessibility of child care because the research is clear that a child's experience in the early years sets the course for the rest of their life.

Given that these are the words on the minister's own website, I am confused as to how the minister believes that her actions in cutting funding for occasional-care child care match up with this stated aim. When stakeholders around the country are saying that this funding cut is detrimental to the industry and families, how is access and affordability being achieved?

This government has clearly failed the childcare industry. After the big promises of the 2007 federal election, we have heard little in terms of child care other than backflips, such as the scrapping of building 222 new childcare centres, and indeed threats, such as the freezing and eventual cut of the childcare rebate. The uproar with which this latter proposal was met saw the government backflip on this as well. We have seen reform in the industry in terms of staff ratios cause a huge amount of uncertainty for this sector, with most feedback stating that these changes will dramatically increase costs, again reducing accessibility to child care.

Before us today we have a motion which acknowledges the ill-thought-out process of cutting the occasional-care childcare funding. When it comes to child care, it seems that this government is struggling to get anything right. I urge every responsible member of parliament to support their communities and to support this motion.

Mr CHEESEMAN (Corangamite) (19:47): I rise today to speak on the motion by the member for Farrer, not only as a member of parliament but also as a father of two children who are under four years of age. Child care and early education is something I am deeply concerned with, particularly given my two sons, Isaac and Noah, are accessing these forms of care.

In my electorate there are countless families in the same situation who are deeply conscious of all things to do with early childhood education and child care. This government has been putting in place some very substantial reforms to ensure that every child in Australia is
provided with opportunities to develop the sorts of skills that will best suit their needs prior to
going to primary school and to provide the opportunity for both parents to participate in the
workplace. The reforms that the Gillard Labor government has been putting in place in this
area will lead to confident, smart kids who will substantially contribute to the direction of this
nation.

Of course, we do need to reflect on the sad history of the Liberal Party in this particular
area, where for many years they believed that the role of Mum was to remain in the kitchen or
looking after the kids. Labor has had a very proud history of putting in place reform that
enables both men and women to participate in the economy and to participate in the
workplace. We have put in place record investment—some $20 billion—in early childhood
education and care, and we will be doing that over the next four years.

I think it is worth making the note that the work we will put in over the next four years
more than doubles the effort of the Howard government in their last four years of office. We
are putting a lot of additional money and attention into this area to ensure that all children
have an opportunity. I think this particular motion is somewhat wayward in that it fails to
recognise the very substantial contribution that the Commonwealth has been making and will
continue to make under this government in this particular area. The previous funding
arrangements that were put in place—some $273.7 million investment to support the
introduction of the new National Quality Framework for Early Childhood Education and
Care—I think were very substantial contributions that this parliament and this government
have made.

I particularly want to take the opportunity to point out the consequences of the election of
the Baillieu government at the last state election. That, of course, was the axing of the Take a
Break childcare program in Victoria.

Mr Broadbent: No, they put the money on the table.

Mr CHEESEMAN: I thank the member for McMillan, but the reality is that we had been
working with state and territory governments to put in place additional funding. This was an
area that was and should be the responsibility of the Victorian government, and they have
announced that they will be axing this program from 1 January next year. That will hurt an
enormous number of facilities and entities within my electorate providing this program,
particularly the Anglesea and District Community House, the Apollo Bay Children's Centre,
the Deans Marsh Community Cottage, the Forrest Preschool, the Haddon and District
Community House, the Inverlea Occasional Care, the Lorne Figtree Community House, the
Meredith Community Centre, the Rokewood Occasional Care Facility, the Torquay Children's
Services Hub and the Winchelsea Community House in Winchelsea.

These facilities and the services that have historically been delivered from these areas have
made a very substantial contribution to those communities, and it is an absolute shame that
the Baillieu government has axed this important funding. On the one hand, federal Labor—
the Gillard government—is putting record investment into this space. On the other hand, the
Baillieu government is taking money out of these services. Over the next four years the
Commonwealth government will be providing some $9.2 billion and around $7.2 billion in
the childcare rebate area. The Commonwealth government, under the leadership of the Prime
Minister, have directed a lot more funding into these areas and we have a very proud history
of doing this. We want to give every young person under the age of four every opportunity in
life and we are putting real money into this space to ensure that that can happen, but we are also doing it in a way that makes sense and that is based on the successful negotiations that we undertook, by and large, at the COAG early childhood roundtable.

This government is also putting in $399 million through child care benefit; $291 million though the childcare rebate, which pays for 50 per cent of out-of-pocket costs for families; $21.3 million for childcare services and support; $16.95 million for children's and family centres; and $17.4 million in new early learning and care centres. We will continue to invest in this important policy area. We have put in a lot more money in the first four years of the Gillard government than the Howard government did in their last four years. We have a proud history in this space and we will continue to contribute in every way that we can to ensure that working families have every opportunity to educate and care for their children.

Ms LEY (Farrer) (19:56): I am delighted to speak to the motion in my name. By way of background, in the 2010-11 budget, the Labor government removed federal funding for occasional care, and this shifted the entire cost of funding onto the states. Occasional care provides a flexible model of child care, providing places for children who may only need care on an ad hoc basis. In rural communities in particular, this care has proved to be invaluable to, for example, farming families during the harvest or the shearing season. What we have here is a government intent on shirking its responsibility. By contrast, the coalition have committed to restoring the $12.6 million that was ripped from the occasional care funding budget by the federal Labor government in the 2010 budget, because we accept that this, as with all child care, is a federal responsibility.

In Melbourne on 25 October, a week ago tomorrow, the Minister for Employment Participation and Childcare said:

The Australian government has never had a direct funding relationship with these services …

In the minister's department, I am sure some staff member is patting themselves on the back and calling that a rather clever piece of wording. But, actually, one might call it mischievous. Let us speak the truth: this is an appalling and self-serving misrepresentation of how funding for child care has historically worked in this country. The website of the Department of Education, Employment and Workplace Relations, DEEWR, directly states:

The Australian Government provides financial support to approved Occasional Care services. It just so happens that occasional child care in Victoria is called Take a Break, and it might be called something else in New South Wales, Queensland or WA, but it still amounts to the same thing: occasional care. This joint federal-state cooperative for occasional child care in Victoria has been run successfully, at a moderate cost to government, since 1988-89.

The central announcement in Minister Ellis's comments last week, another self-serving piece of tripe, was the supposed creation of more than 1½ thousand new occasional and in-home care places for Australian families. I would make two points. The minister says that the government does not fund these programs—it does not have 'a direct funding relationship'—then, in the same breath, she announces new funding for them. Notwithstanding that peculiar and embarrassing slip-up, of those, only 250 occasional care places and 140 in-home care places may go to Victoria, and I am advised that there is next to no chance of their going to regional Victoria, where Labor's abandonment of occasional care will be felt the most. There was another bewildering truism from the minister on 22 July this year, when she said:
Child care funding is a shared responsibility between the Australian, state and territory governments. Nothing has changed on that front.

I am sorry, Minister; it has. Two years ago, federal Labor decided it no longer wanted to share the responsibility of occasional care. The minister has continually noted since then that, while Victoria can no longer do so from next month, other states intend to cover the federal shortfall. One of these reasons is quite simple: it is that in Victoria there is the greatest percentage of children who access occasional care—at the last count, in 220 neighbourhood houses and community centres across the state. They are so concerned that even the minister's own side of politics cannot quite believe what they have done. When questioned in the Victorian parliament in June, Labor's shadow minister assisting the leader on children and young adults admitted that she believed the federal government should fund the program, when she said that she had actually lobbied her federal counterparts to reinstate their funding for Take a Break.

This week we have lodged a petition containing some 3,000 signatures calling for the government to immediately reinstate this $12 million in occasional care funding removed from the previous two federal budgets. This is a call to reinstate funding not just for Victoria, but for every state and territory in Australia. This is because the coalition knows, the Greens know—

A division having been called in the House of Representatives—

Sitting suspended from 20:01 to 20:14

Ms LEY: This week we have lodged a petition containing some 3,000 signatures calling for the government to immediately reinstate this $12 million in occasional care funding that was removed from the previous two federal budgets. This is not just a call to reinstate funding for Victoria but for every state and territory in Australia. This is because the coalition knows, the Greens know, parents know, DEEWR knows and, indeed, it seems that everyone knows apart from the childcare minister and the Labor government that the Australian government provides financial support to approved occasional care services.

These are parents who signed the petition: Sally is parent to four boys and is from Greensborough in Melbourne; Jarrod is a single dad, working odd jobs to make ends meet; and Jessica Burrows is a mum from Warrnambool. The list goes on and the names go on. There is the Rosanna Fire Station Community House, the Sale Neighbourhood House, Grovedale Community Centre in the city of Geelong and the Orwil Street Community House at Frankston—only this morning I heard news that this centre will now close next month.

There are others that have or who will be forced to shut their doors: two centres at Chelsea Heights in Melbourne, and another at Mallacoota in East Gippsland. I received a note from an early childhood specialist, Jane Duffy, who was so concerned about the likely closure of the nearby Uniting Church occasional care that she felt compelled to write:

The threat of closure could likely lead to increased circumstances of family breakdown as parents find themselves unable to access an affordable short-term, respite, support service that gives them a break from the demands of early years parenting.

There was another from a group of parents at Baranduda, neighbouring my own electorate. Leah Bowles writes:

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MAIN COMMITTEE
We are deeply concerned at the threat of losing what has become a valuable and vital community program. It is the ONLY childcare offered in our community. Losing this service will be devastating to our community, our families and most importantly our children.

Last week the childcare minister—and I quoted from her remarks earlier where she did not seem to be quite sure whether this was or was not a responsibility of the federal government—did allocate a few occasional childcare places to a few areas of the country. They are way too little, too late and this is not working in the really brilliant way that occasional care does work. I will use the Victorian example, where you have a little bit of state money and a little bit of federal money—maybe only $7,000 per service. I have seen services in rural Victoria with $7,000 of federal and state money and a whole lot of community fundraising with lamingtons and cakes and drives for goodness knows what—parents working really hard but coming together as a committed family-parent community in the process. Maybe the council will chip in with the rent of a building for nothing and a few facilities and then you have a wonderful community asset. That is the strength and the secret of occasional child care.

What this minister has done is to pull one card out of the pack and the whole lot has come crashing down. The example of $7,000 is a good one because it is the same for many areas, and by taking just that little amount out the rest is just too much for all of the other funders to provide.

We in the coalition restate our commitment that as a government we will put back the occasional care funding that has been taken out by this minister. With a sleight of hand she tried last week to find additional places. They are funded through child care benefit, so they are not funded in the original way that Take A Break was funded for in Victoria. They are taken from a group of childcare places, which I think were sitting there as unused in-home care places because, coincidentally, we seem to be talking about exactly the same number. I was made aware of 1,500 in-home care places that were not being used and which were sitting on the books in the department. That is quite a different form of care; it is for disadvantaged children—children whose parents might be very ill or children who really require short-term, intensive live-in child care.

It looks to me as if the minister has raided that child care, has scratched up a few more places from somewhere else, allocated this paltry number—300, I think, in Victoria—and said that she has fixed the problem. She does need to make up her mind whether this is a federal responsibility and, if it is, to put back the fantastic system we had before which the coalition has committed to, which the state government in Victoria has committed to, which works really well and which provides a vital service for parents and families.

Ms HALL (Shortland—Government Whip) (20:19): If there is one aspect of both the Rudd government and the Gillard government that I am particularly proud of it is the wonderful changes, reforms and contributions that the government that I have been part of has made to child care. They have revolutionised the way child care operates in this country. They have made it more affordable—they have put it within range of all families so that it is not just something for those who can afford it. It means that children from all backgrounds are now able to have the same opportunities. It is not a have and have-not approach to child care; it is a very inclusive approach. And I am very, very proud to be a member of the government that has brought this to fruition.
The Minister for Employment Participation and Childcare announced last week—and I heard the previous member denigrating the announcement that she made—that more than 1½ thousand new occasional and in-home care places would be provided in Australia for Australian families. The number of new allocations represents a rise in support for government funded occasional-care places of 35 per cent—that is quite significant—and a market increase of around 17 per cent across the home-care sector.

The government understands that centre based care may not be suitable for all Australian families. Not everybody wants their child to be cared for in a centre. We are about giving people choices; we are not about dictating the kind of care a person should have. By putting in place funding for services within the home, we are also giving people the choice that they need. Occasional-care services support Australian families by providing some flexibility. Parents have the opportunity to place their children in those centres or within in-home care.

The neighbourhood model occasional-care program was changed in the last budget but, at the same time, as I have just pointed out, we announced some additional places last week. But it is very important for this parliament to note: the Australian government has never had a direct funding relationship with services in receipt of funding under this program, as funding was provided directly to the states and territories. What the member is asking is something that is not the responsibility of the Australian government. Once that money was given directly to the state and territory governments to fund occasional care they then administered their own programs. I come from New South Wales, and for the last two years this program has been fully supported by the New South Wales state government. I think that the member has brought this motion to the House tonight to try and make political mileage out of an issue that really does affect some families. But there are still options out there: a number of long-day-care centres have taken up the occasional-care role.

The government is totally committed to ensuring that Australian children have the best start in life. It has underpinned, by a record investment of $20 billion, early child care education over the next four years. That represents more than a doubling of the investment made by the Howard government in their last four years of office. That speaks for itself. This government is committed to child care. This government is committed to ensuring that each and every child has the opportunity to have good quality care, and I think that the member should be honest with this parliament and portray the picture as it is. (Time expired)

Mr CHESTER (Gippsland) (20:25): I commend the motion put forward by the member for Farrer. It is an issue that I have spoken about several times on behalf of the people of Gippsland, who have raised very real concerns about the future of the Take a Break funding as it applies to neighbourhood houses in my own electorate. I would urge those opposite who say we are trying to score political points or grandstand on this issue to start listening to the people who are writing to us—and we are forwarding those representations on to the minister—to understand just how serious the situation is. If they are trying to understand why they are languishing with a primary vote in the opinion polls under 30 per cent, it could be because they have turned a deaf ear to the complaints of people in regional Australia. This very issue highlights the hypocrisy of this government. It claims to care about regional families and then cuts funding to a program that, in many cases, provides the only form of child care in small country towns in electorates such as mine of Gippsland.
This program that we are referring to in the motion used to be funded by the federal government in the order of 70 per cent with the state government of Victoria providing 30 per cent of the funding for the Take a Break program. It is a very aptly named program because it provides a little bit of respite, particularly for mums in regional communities. It is support for mums who may then have the opportunity to take on some part-time work or just simply do the grocery shopping or have a little bit of time to themselves while their children are in a good care environment.

The federal government's budget for this program was $12.6 million over four years. We are talking about a miserable $12.6 million over four years, and this program was doing enormous good throughout regional communities. It is a highly efficient program, and the member for Farrer referred to that. It really is a community asset right across Victoria. It really should not be this hard for us to provide occasional care in these communities.

I would like to refer to some comments made in relation to this issue by the Victorian Neighbourhood House Network and Angela Savage, the executive officer, who described the Take a Break program, or TAB, as follows:

TAB funding is critical to the continued provision of affordable occasional childcare for communities serviced by Neighbourhood Houses, particularly those in rural and regional areas. The cessation of TAB funding will have an impact on over 9,000 children and their families, many of whom already experience some form of disadvantage, causing a decrease in childcare services and/or an increase in childcare costs …

These impacts will be most acute where there are no other childcare services at all, and also in areas where there is no alternative occasional childcare service.

As I said, I have written to the minister in relation to this issue. I also tabled a petition with more than 1,000 signatures which were collected in Gippsland. It came from towns like Swifts Creek, a small town in my electorate, Paynesville, Heyfield, Gormandale and Mallacoota. These all have very well-run occasional care programs. The very real threat is that by the end of this year none of these programs will exist in my community.

I remind this government that it is not what you say but what you do that really matters. In this House in May this year the minister said:

The Australian government recognises that child care is an essential enabler of workforce participation, most particularly for Australian women.

At a time when employers are crying out for workers then it is essential that we are supporting parents who want to return to work to be able to participate confidently.

We had a program that worked and now this federal government and this minister are refusing to listen to the people of regional Victoria who just want the funding to be guaranteed for the future so that they have the security of being able to have a little bit of respite or to take on a bit of work to assist the family budget. This government really must follow up the type of rhetoric that the minister has espoused here in this chamber. She must follow up this hollow rhetoric with action. She should reinstate the funding and restore confidence in regional communities that someone in Canberra is actually listening to them.

The member for Farrer mentioned the number of letters she has received on this topic. I have one here from only a matter of days ago. It is an email that was sent to me on Friday by a lady named Traci from Heyfield. Traci describes herself as a 34-year-old mother with three children under five. I will just quote from her email. It says:

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MAIN COMMITTEE
For the first time in a long time I have been able to have a couple of hours to myself once a week because of the take a break program. My youngest 18 months and my 3 year old have started going to the occasional program on Tuesdays. I cannot begin to explain what it feels like to have a couple of hours off to myself (with those couple of hours I do an exercise program run by the community resource centre then I go grocery shopping without screaming children, occasionally get my much needed hair done). This program is so important to our isolated community. My husband works away 2 weeks at a time so those couple of hours for me are so crucial for my independence and sanity. I believe a lot of other mums are in the same situation regarding children and the take a break program.

Traci goes on to say—and by the way this is the only service in the town of Heyfield:

… cutting this service will hurt us all, all us mums who are trying to find ourselves again, trying to get back on our feet. Whether it's an education course and exercise program for trying to get into shape or an hour to ourselves, mums with very young children need this program.

Please don't take the funding from this much needed service. It's an amazing centre with amazing staff that truly care …

Thank you for listening.

I simply ask the question: is anyone listening on the other side of the House?

Mr BANDT (Melbourne) (20:30): The Victorian childcare sector, including 128 Neighbourhood houses, has been appalled by the political stand-off over the investment of less than $2 million into occasional child care in Victoria. When the federal government did not renew its $12 million national contribution to occasional child care, some states picked up the shortfall. However, the six-month-old coalition government in Victorian pulled out of its $700,000 contribution, promising to reinstate this funding only if the federal government followed suit. This unnecessary brinkmanship has had a profound effect on vulnerable families, with the cessation of the Take A Break program, the closure of occasional childcare places at some centres and the imminent closure of more in 2012. Some of these are in the electorate of Melbourne, with others in remote rural communities.

The state government has argued that childcare funding is not their responsibility. There would be some merit in this position were it not the case that funding for community based programs at Neighbourhood houses is the domain of state government. Occasional child care is provided by 128 Neighbourhood houses in Victoria and these providers have a reasonable expectation that their state government will fund them to provide programs which support and develop their communities. At this point, I would like to congratulate the Association of Neighbourhood houses and Learning Centres, in particular Angela Savage, for their tireless work on this issue on behalf of houses in their communities.

Last week, Minister Ellis announced a small increase in federal funding for occasional child care, demonstrating that the Commonwealth government does indeed have a role in funding occasional child care. However, while the 250 extra occasional childcare places announced for Victoria are welcome, they barely register for the centres wondering how to fund the places they had funding for until this year—places that would have accommodated around 10,000 children. One centre in my electorate of Melbourne, operating at a public housing estate with despairingly high unemployment figures, would alone require 30 of the new 250 places to support its occasional childcare program. Unless this centre and many like it receive funding, they will have to cut their service.
I hope that the minister is listening to this because circumstances particular to the electorate of Melbourne are being overlooked in the decisions being made by the federal government at the moment. My electorate of Melbourne has more public housing than any other electorate in the country. We are home to many people who have come here under various refugee and migration streams. They are usually not skilled migrants. There are more single mothers in Melbourne than in many other electorates in the country. We have these public housing tower blocks which house thousands of people in the middle of affluent suburbs. When you look at the suburb-by-suburb analysis, yes, the area looks wealthy. But we have pockets of thousands and thousands of people who are in distress and doing it tough. They are using the occasional child care at these Neighbourhood houses to help get themselves out of poverty and to help begin integrating into the Australian employment market. They go to many of the Neighbourhood houses which I visit. They are studying for their certificate II or III in child care, they are perhaps doing a catering course and they are perhaps learning English. The Take A Break program and occasional care funding has been absolutely essential in saving these people from becoming more and more isolated.

The effects on these people, which are not showing up in the government analysis of vulnerable areas, are going to be huge. We know that there is extensive research to support the need for funded occasional child care. The Brotherhood of St Laurence has demonstrated it, the Australian Institute of Family Studies has demonstrated it and the original Henry review demonstrated it. We know that Australia has, relative to OECD standards, low rates of employment of lone mothers and high rates of joblessness for mothers with dependent children. We know that one of the greatest barriers to workforce training and participation for vulnerable women is the scarcity of high-quality accessible and affordable child care.

It is exactly these people who are, in my experience in the electorate of Melbourne—and I think you will find it in many other places as well—being hardest hit by this dispute over a very small amount of money which would make an enormous difference to some of the most vulnerable people in this country. These are some of the people whom—and I know the government agrees—we want to encourage into employment participation. A needs analysis of demand for occasional child care can be difficult, given the vulnerability and often invisibility of potential users. It is difficult to assess how many occasional childcare places require funding, but it is many more than 250. We are with the federal government that occasional child care must be of a high standard and that standards of occasional child care should be set as part of the national quality framework. But, in the meantime, all of the research and all of the experience of providers confirms that federal funding for occasional child care is required and that community based providers such as neighbourhood houses and rural centres should be supported by state governments to ensure families can access affordable and high-quality occasional child care. The federal government should step up to the plate as well.

Debate adjourned.

Harkin-Engel Protocol

Debate resumed on the motion by Mr Laurie Ferguson:

That this House:

(1) notes the tenth anniversary of the Harkin-Engel Protocol signed in September 2001, designed to encourage voluntary standards for the certification of cocoa production that prohibits and eliminates
engagement in the worst forms of child labour, as defined by the International Labour Organization (ILO) Convention 182 which has been ratified by Australia; and
(2) calls upon the Australian Government to:
   (a) be proactive in measures to counter people trafficking or slavery;
   (b) actively engage in international fora to ensure greater priority for consideration of measures against child slavery and trafficking;
   (c) work co-operatively to improve traceability of products through the monitoring of their derivation where practical with reference to people trafficking or slavery; and
   (d) co-operate closely with organisations and entities against people trafficking.

Mr LAURIE FERGUSON (Werriwa) (20:35): This motion essentially has two elements: recognition of the 10th anniversary of the Harkin-Engel protocol and a list of suggestions as to how this country can be more active on the broader question of slavery internationally. It calls for Australia to raise the issue in international fora, to be more effective on tracing products and to be mindful of these issues in regard to government purchasing policy. The main element is the legislation of the United States, and I also want to congratulate the Australian Catholic Religious Against Trafficking in Humans group—it is often around this parliament, dealing with the question, more specifically, of sexual slavery—for raising this matter with me and the seconder.

Global sales of chocolate were in the order of $100 billion as of 2009. Predominantly, the production is in West Africa—more particularly, in Ghana and the Ivory Coast. There was a pledge by companies that they would adhere to ILO convention 182 on the elimination of the worst forms of child labour. There was much fanfare and I certainly congratulate those people who tried to do something within the US Congress. However, a report by Tulane University has indicated that the large chocolate manufacturers have not really adhered to their commitments. The university noted that in a survey of the results of the protocol in the period of 12 months from 2007-08, for instance, there were 820,000 children working in cocoa related activities in Ivory Coast and just under a million in Ghana.

The industry is characterised by some endemic problems that are difficult to overcome. There is a lack of farmer power and impoverishment of farmers, and one of the realities in this issue in Africa is the fact that it is often the parents, the uncles and the other relatives who are employing these children under abominable conditions. There is also environmental deterioration and price instability caused by the power of the large companies. Internationally, 10 companies dominate half of the international cocoa bean and liquid chocolate industry. That means that there is an imbalance in regard to negotiations. Of course, in Ivory Coast over the last few years the internal struggle over the presidential elections has affected the ability to do anything about it.

I indicate that we are seeing some progress. Cadbury, in particular, has announced that its Dairy Milk chocolate will be sourced from Fairtrade cocoa, and other companies are starting to move in this direction. However, there is still a need for international campaigns around this issue, and World Vision, amongst others, has called for a guarantee to farmers of a fair price for their cocoa and the elimination of exploitable labour for cocoa production by 2018. There is a need for independent oversight of what actually occurs and a public standard certification process. One of the problems in the field is that there are a number of rival certification codes. Whilst there are claims that a larger amount of cocoa is under Fairtrade
conditions, significant parts of that claim by the major corporations are not actually certified by any of the three main operations.

The Stop the Traffik coalition is a group of 100 member organisations in 50 countries, established in 2006, which has manifestly been very strong in regard to this matter. I recommend this motion to note the need for continued international activity, respect the efforts that have been made by a significant number of non-government organisations and make sure that there is activity in the marketplace in this country. In a broader sense there are also a number of requirements put to the Australian government in regard to it playing a more frontline position on the broader issue of child slavery.

**Dr STONE** (Murray) (20:40): I have great pleasure in seconding this motion, which notes that it is the 10th anniversary of the Harkin-Engel Protocol, which aimed to help bring an end to the use of forced child labour in cocoa production. The protocol drew attention to the plight of trafficked children in the cocoa plantations of West Africa, notably in Cote D'Ivoire and Ghana. West Africa produces some 70 per cent of the world's cocoa.

Australia is no stranger to the use of forced child labour in our developing regional economies. It is part of our history. I am not referring to the convict children, who were perhaps a special case, but in particular to enslaved Aboriginal children from the turn of the 19th century to the early 20th century. The Royal Commission on the Administration of Aborigines and the Condition of the Natives, an inquiry of the Western Australian parliament tabled in 1905, detailed the uses and abuses of children in some industry sectors. Evidence of one resident magistrate who appeared before Commissioner Roth at the royal commission said:

The child is bound and can be reached by law and punished, but the person to whom the child is bound is apparently responsible to nobody. Even the Chief Protector is obliged to admit the injustice of the system where, taking a concrete case, a child of tender years may be indentured to a mistress as a domestic up to 21 years of age, and receives neither education or payment in return for the services rendered.

Commissioner Roth also found that:

At Broome ... quite half the children from ten years and upwards [were] indentured to the pearling industry and taken out in the boats.

Children were enslaved usually from the age of six into the remote pearling industry, prostitution, the pastoral industry and as domestics in early Australia. The 1904 royal commission did recommend that indentured children be sent to schools, when they were available, and that some should even be paid. But decades later British migrant children were forced to work in Australia for little education and no pay, usually on farms, as part of various post-war empire orphan resettlement programs. So, we are no strangers to the horrors of exploitation of children in our own great nation. We must therefore double our efforts to ensure that the lessons from our own history and the legacy of damage and suffering for those once forced to labour are not wasted when it comes to our commitment to international efforts to stop child labour abuse wherever it occurs.

There have been various estimates of the numbers of children exploited in the production of cocoa, a $100 billion industry. It is calculated that there are more than 100,000 children in the Cote D'Ivoire's cocoa industry alone who work under the worst forms of child labour and some 10,000 of them were trafficked as slaves. Ten years ago in 2001 in the United States, the
world's biggest consumer of chocolate, two politicians, Tom Harkin a US senator from Iowa and US Congressman Eliot Engel from New York, developed a protocol, which set out a voluntary code with six actions, which was signed by representatives of the World Cocoa Foundation and the then Chocolate Manufacturers Association, a bevy of other large manufacturers and a representative of the Cote D'Ivoire. The protocol required acknowledgement of the child labour problems by cocoa producer nations, the formation of multi-sectoral advisory groups, joint statements witnessed by the ILO, a memorandum of cooperation and the establishment of a joint foundation.

The Harkin-Engel Protocol drew on the International Labour Organisation Convention No. 182 adopted in June 1999, which Australia has ratified, and which focuses on the elimination of all of the so-called worst forms of child labour. The ILO convention definition of 'the worst forms of child labour' include:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

Ten years on it seems that the industry has failed to fully implement any of these six steps to eliminate the worst labour abuses in the cocoa industry. Not much has changed on the ground. Unfortunately the Harkin-Engel Protocol was always voluntary with no enforcement mechanisms, and agreement of an effective guarantee that could be used to assure customers that their cocoa was free of the worst forms of child abuse was never agreed. Independent oversight of standards was dismantled and the industry failed to establish a credible certification system in any form. So-called ethically certified chocolate, defined as product that has not used 'forced, child or trafficked labour', makes up only some five per cent of the global market today. The World Vision report called Our guilty pleasure: exploitation of child labour in the chocolate industry—10 years on from the Harkin-Engel cocoa protocol, published in April 2011, has found that some well-known chocolate and cocoa product brands in Australia, like ALDI, Mars and Cadbury, acknowledge the problem of the use of child labour in the industry, and all of them claim to invest in local farmers in the industry. But, with the exception of Coca-Cola, none of these companies sell an entire product range in Australia that is from ethical sources. Obviously, the lower prices paid for non-conforming product means that there are many chocolate manufacturers who do not find it economical or convenient to identify or talk about their product labour sources and conditions.

Researchers have found that few cocoa farmers are aware of child-trafficking conventions and the fact that it is illegal to employ and abuse children in that way. Neither the West African governments nor the chocolate industry internationally have done much to inform farmers of the children's rights or domestic laws concerning forced and abusive child labour. The child trafficking that takes place in the cocoa plantations and factories is of children from Mali, Burkina Faso, Togo, Benin and from within Ivory Coast. It is driven by poverty, little access to education, little official supervision and non-existent punishment for traffickers.
In the Netherlands, one of the global hubs in the world's cocoa supply chain and home to the world's largest chocolate factories, the Dutch government has now determined that it will have transitioned 50 per cent of its chocolate or cocoa consumption to ethically and sustainably sourced plantations by 2015, and 100 per cent by 2025. That is commendable.

Australia is doing a great job supporting schools in the slums of Accra, in Ghana, and I have had the privilege of visiting some of these; little girls can now go to school because the Australian aid program has built them some toilets. We have to make sure that those little girls do not end up working in situations where they are not paid or where they are denied future education.

We need to acknowledge that in Australia there is trafficking of women for exploitation in the sex industry, and we know there have been some rescues of people found trafficked into or enslaved as immigrant labour in some of our restaurants. Australia has an old history of child exploitation. We need to make sure that in this new, modern era the Australian government is proactive about measures to counter people-trafficking or slavery wherever it is found. We have to actively engage in international fora to ensure greater priority for the consideration of measures against child slavery and trafficking. We must work cooperatively. Like the mover of this motion, the member for Werriwa, I commend the women from the Australian Catholic Religious Against Trafficking in Humans group who brought this particular problem and the issue of this convention to my attention. I hope that, in the future, Australia is one of the global leaders in making sure that no child is abused or exploited and that every child has an opportunity to grow, to be educated and to work as an adult—but not be exploited as a child.

Mr CRAIG KELLY (Hughes) (20:48): I congratulate the member for Werriwa on moving this motion, as I know he has been having a bit of a hard time in his electorate with the carbon tax and pokies debates. I welcome the opportunity that he has given me to contribute to his motion on the Harkin-Engel Protocol and the practice of forced child labour.

Chocolate is the final product in the manufacturing process that begins with cocoa beans, the seeds of a tree that only thrives within 10 degrees on either side of the equator. Some 70 to 75 per cent of the world's cocoa beans are grown on small farms in West Africa, including in Ivory Coast, which is the world's leading supplier of cocoa. However, the production of chocolate has a dark side.

In 2001, following various media stories of trafficked children and forced labour in cocoa production in West Africa, US Congressman Eliot Engel introduced a bill requiring the US Food and Drug Administration to develop 'slave-free' labelling requirements for all cocoa products. Although the bill passed the US House of Representatives, it never made it through the Senate, and a compromise known as the Harkin-Engel Protocol was reached that required chocolate companies to voluntarily certify that they had stopped the practice of child labour. But, 10 years on, the effectiveness of this protocol is questionable. The US Department of State recently estimated that more than 109,000 children in the Ivory Coast cocoa industry work under 'the worst forms of child labour' and that another 10,000 or more are victims of human trafficking and enslavement. This evidence demonstrates that the original intent of the protocol has not been achieved.

It is poverty that is the root cause of child labour, and it is the low cocoa prices received by farmers that causes this poverty and drives farmers to employ children as a means of survival.
Although there has been a recent modest increase in cocoa prices, today the price of cocoa is only marginally higher than it was 25 years ago, despite increasing costs. Therefore, to tackle the problem of child labour in the chocolate supply chain it is necessary to tackle the reasons that cocoa prices received by farmers are depressed. As US congressman Wright Patman once famously noted:

The farmer must have competition in the marketplace. If he has to deal with giant monopolies either buying or selling, he perforce becomes an economic slave.

That appears to be the problem in the chocolate supply chain. A United Nations publication titled *Cocoa Study: Industry Structures and Competition* recently noted that the cocoa-chocolate supply chain is marked by significant concentration at various stages along the chain and the market has become increasingly concentrated over time following a series of mergers between large multinationals. For example, the three largest purchasers of cocoa produced by Cameroon are reported to control some 95 per cent of that country's production, and following a series of mergers and acquisitions in the chocolate industry five companies alone—Nestle, Ferrero, Mars, Kraft and Cadbury—have come to control more than half of the European market for consumer chocolate. This aggregate figure masks a high degree of concentration in specific national markets and for specific product categories.

The UN study further noted that, at origin, producers do not have bargaining power vis-a-vis a handful of large and major exporters, and that there seems to be a structural imbalance, upstream in the cocoa supply chain, between cocoa producers, with a structure of production characterised by the predominance of small-scale producers, and large buyers with monopsony power. Everywhere that we see excessive market concentration, it is the consumer that pays more and more while the producer receives less and less. Exactly the same applies to chocolate. The UN report concluded that legislation may well need to be considered by commodity-producing countries in designing competition laws and in developing rules to deal with abuse of market power in the cocoa sector.

In conclusion, the extreme poverty in East Africa means that simply boycotting all non-Fairtrade labelled products could have the opposite of the intended effect. If we are to tackle the problems identified by the Harkin-Engel Protocol where that protocol has failed, competition authorities worldwide need a greater understanding of the link between increased poverty, child labour and monopsony or buyer power arising from increased market concentration.

**Ms HALL** (Shortland—Government Whip) (20:53): I first spoke on this issue of child exploitation in the production of cocoa and chocolate back on 20 October 2008. That was a debate on a motion moved by the member for Sturt, and on that occasion he spoke very strongly about the need to act now to stop the exploitation of children in West Africa, or the Ivory Coast. When I spoke on that occasion I highlighted the fact that West Africa supplies nearly 80 per cent of the world's cocoa. Large producers such as Cadbury, Nestle and Hershey buy cocoa from the Ivory Coast and then mix it with other cocoas. Thirty per cent of children in sub-Saharan Africa are engaged in child labour, mostly in agricultural activities including cocoa farming. They are very disturbing figures.

Since I made that speech and since the signing of the Harkin-Engel Protocol, all the available evidence suggests that child exploitation remains rife in cocoa plantations despite the protocol and the best actions of many countries. Over a 12-month period in 2007-08,
819,920 children were working on cocoa related activities on the Ivory Coast and 997,357 were doing so in Ghana. Fifteen per cent of the children surveyed reported being forced into working involuntarily over the 12-month period. Nearly 50 per cent of the children working on cocoa farms on the Ivory Coast and over 50 per cent in Ghana reported injuries from their work over the year. Thousands of children travel from really impoverished neighbourhoods and from impoverished countries to cocoa plantations on the Ivory Coast. Some of them are living in substandard conditions and receive little or no pay. This emphasises the need for this protocol and for the protocol to be made more effective.

The Harkin-Engel Protocol resulted from an agreement in 2001 on voluntary action by cocoa processors and the chocolate industry to collaborate on eliminating the worst forms of child labour from their supply chain. It has not happened. The protocol set out time-bound steps to be taken so that the world could enjoy chocolate with a clear conscience. Many of my friends and staff members really enjoy chocolate, but it is hard to do so when you know about the misery and suffering that is associated with its production. The voluntary nature of the protocol, plus the fact that there are no enforcement mechanisms, meant that this was never really going to work. As the industry worked together to establish and fund a new foundation to attack the worst forms of child labour, critics watched and could see that it was not going to work. Here we are 10 years later, and things have not changed very much.

I would like to emphasise to the parliament that three of the five leading chocolate companies in the Australian market have either launched or will be launching this year their No. 1 selling brand under an ethical certification for their cocoa sourcing. Cadbury, now owned by Kraft, is sourcing Fairtrade certified cocoa for their Dairy Milk chocolate range. I encourage all members to be very mindful when they are buying chocolate, to read the label and to encourage their constituents to purchase Fairtrade chocolate and to emphasise the importance of buying chocolate that is produced ethically. (Time expired)

Mr McCormack (Riverina) (20:58): This parliament strongly opposes the use of forced child labour or other forms of child exploitation. The Harkin-Engel Protocol has been an important stepping stone in bringing the matter into the public arena and encouraging chocolate companies to open their eyes to the practices in West Africa. This protocol is an international agreement aimed at ending child labour in the production of cocoa.

The protocol laid out a series of data-specific actions working to eliminate the worst forms of child labour. Key actions included the development of a public certification system for cocoa farming, a credible, mutually acceptable voluntary process which would give a public accounting of labour practices in this type of farming. It also gave a commitment to establish a joint international foundation to serve as a clearing house on best practices to eliminate child labour and drive remediation efforts on the ground.

Consumers now have the opportunity to play an active role in discouraging child labour practices by choosing not to purchase chocolate from companies which fail to certify their product free from the use of forced child labour. Public pressure resulted in the decision last year by Cadbury to use the Fairtrade logo on its Dairy Milk bars, which requires it to certify that the cocoa was sourced from farmers in Africa with ethical practices. Similarly, Arnott's announced in 2010 that the chocolate used to make Tim Tams would be sourced from farmers certified by the Fairtrade scheme. All too often we are flooded with foods we know to have been grown using cheap labour, with workers paid a mere fraction of our stringent minimum
pay, and some foods which have been subjected to sprays and contaminants our farmers are not allowed to use and would not use. Our quarantine procedures are tight, but little more than a week ago I observed in New Zealand apples ready for shipment to Australia being washed in the same water which had been used on apples sprayed with streptomycin destined for other markets in other countries. If we are going to be fair dinkum about spurning chocolates for one reason or another, we should also be just as consistent about targeting apples, whether they be from China, New Zealand or wherever.

The DEPUTY SPEAKER (Ms S Bird): Order! It being 9 pm, the debate is interrupted in accordance with standing order 41. The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting. The member will have leave to continue speaking when the debate is resumed on a future day.

GRIEVANCE DEBATE

Debate resumed.

The DEPUTY SPEAKER (Ms S Bird): The question is:

That grievances be noted.

Southern Cross Kids Camps

Mr TUDGE (Aston) (21:00): This evening I would like to raise what I consider to be a national tragedy: the growing number of children in our society who suffer from child abuse and child neglect. The figures are staggering. There were 286,000 reports of suspected child abuse and neglect in 2009-10. That is up from 115,000 just a decade ago. Of those, there were 46,000 substantiated cases of child abuse or neglect. That is up from 27,000 substantiations in 2000. There are now over 37,000 children in Australia under child protection orders. Again, that is a figure that is almost double that of a decade ago.

These are absolutely astounding figures. But the figures do not tell the trauma and the agony which sits behind the figures. Every single figure represents a child who has suffered sexual abuse, physical abuse, emotional abuse or neglect. The number of children in care now threatens to overwhelm the state and territory child protection departments. Collectively, about $2 billion is being spent each year but, as we know from media comments across the country, child protection departments are struggling to get on top of the issue.

There are many organisations and individuals that work tirelessly to support children who have been subjected to abuse and neglect. I acknowledge the work that those organisations do. I also pay tribute to the child protection officers in each of the state and territory child protection departments. They have an incredibly difficult job, and I take my hat off to them for the work that they do.

I take the opportunity this evening to make particular mention of an organisation that has its national office in my electorate of Aston, in Melbourne. That organisation is called Southern Cross Kids Camps. It is a national charitable organisation based in Boronia. Southern Cross Kids Camps was founded by a quite inspirational woman named Carolyn Boyd about 10 years ago. Its overall mission is to bring fun and laughter back into the lives of children who have suffered from abuse and neglect, to provide them with time to forget about their experiences and, as they say, to enjoy just being a child again, just like any other child. They do that by running a series of camps each year for about 240 children. The camps last for about a week, and they run eight camps nationally—four in Victoria and four elsewhere.

MAIN COMMITTEE
The organisation is almost entirely a volunteer organisation. It has about 400 volunteers and just a couple of full-time staff, who coordinate the activities from the national office in Boronia, those being Shelley Martin and Donna Eldridge. I had the pleasure of supporting this organisation in their One Voice—Walk Against Child Abuse fundraiser last Saturday, which was a six-kilometre walk around Lysterfield Lake in my electorate. People signed up to do that walk to raise funds for that organisation, and I did that with my seven-year-old daughter, Cassie. I understand also that the member for Holt has been a supporter of the Southern Cross Kids Camps. I commend him for that and I know that the organisation appreciates his support.

Organisations like the Southern Cross Kids Camps do incredible work for these children. They really do bring some joy into their lives and give them the support, encouragement and love which are often missing. But what they do not do—and it is not their mandate—is address some of the root causes of the problems. The question we should be asking is: what is causing these statistics to go up at such an alarming rate? As I said, child protection orders have almost doubled in a decade.

No-one can categorically prove what the root causes are. Certainly alcohol is a factor. Drugs are a factor. Unemployment is a factor. Poverty is a factor as well. But I was taken by a report, *For kids' sake*, by Professor Patrick Parkinson AM, who describes in quite a compelling manner the breakdown of families in Australia as being a considerable factor in the number of incidents of child ill-wellbeing, if you like, and he describes, in quite considerable detail, some of those things. He says:

> While it would be simplistic to posit just one or two explanations, if there is one major demographic change in western societies that can be linked to a large range of adverse consequences for many children and young people, it is the growth in the numbers of children who experience life in a family other than living with their two biological parents, at some point before the age of 15. Family conflict and parental separation have a range of adverse impacts on children and young people.

Again, he does not say there is a direct causal link there, but he notes the correlation and notes that over the last 20 years there has been a marked breakdown in family relationships in Australia. Indeed, as you may be aware, about a third of marriages these days end in divorce. So I would certainly commend the report to members of the House. I think it is worth looking at. Professor Parkinson, who wrote the report, is one of Australia's most eminent authorities on child protection and family-law related matters. He is a professor at the University of Sydney.

So what is to be done to address some of these issues? I will not try tonight to prescribe a policy solution to address all the issues of child neglect, but let me at least talk about some things which I think might assist young families to stay together in a more harmonious way. The starting point is to recognise that we do indeed have a problem. The high incidence of family breakdown is not merely a modern trend like any other modern trend but a serious issue that is within our control. We should concentrate on it and think about it as policymakers. I think we need to unashamedly declare that strong families raise strong children and build strong communities. There is undoubtedly love and care in all family types, but I certainly believe that children being raised by two loving parents is the ideal situation—and I say that having grown up in a single-parent household at a time when there were few single parents around.
Next, I think our policy should be geared to supporting families as much as possible—particularly young families who are trying to find their feet. Professor Parkinson has some recommendations in this area which we should look at. He particularly recommends the Family Relationship Centres as being a good model for supporting families through counselling and education programs which the centres run. Indeed, I was delighted to open one in my electorate quite recently.

But it is broader than this, I believe. I think we should be supporting more strongly the key community institutions that bring people together and provide support and a network, particularly for young families. In this regard, kinders are particularly important. That is why I have been such a passionate defender of three-year-old kinders in Victoria. The child-care centres are important. The churches are, I think, very important in our community in this regard and we should respect those churches as much as possible, even if you are not necessarily a Christian or have faith in another denomination. The mothers' and fathers' groups are also important in this area as indeed the large sporting clubs increasingly are. In my electorate the large football clubs play a very vital role in terms of linking up younger families with older people, again providing a network of support for those people. So I think we can do more in terms of supporting community institutions that bring people together.

Finally, on an individual basis sometimes we need to take the pressure off ourselves and realise there is no such thing as a perfect family. If from an individual perspective we do some of those things and from a policy perspective we do some of the things outlined then we can strengthen families in Australia. (Time expired)

Road Safety

Mr MURPHY (Reid) (21:10): One of the most intractable issues of public safety that governments seek to redress is the seemingly endless carnage on Australia's roads, an annual disaster that sees a national average of around 1,400 fatalities each year. Furthermore, the Australian Bureau of Statistics estimates that for each death another 20 people suffer serious injury that frequently imposes long-term social and economic burdens on the individuals and families involved.

Government road safety initiatives have seen a significant improvement in these figures—down from a peak of 3,798 road fatalities in 1970 to the current average that is, however, still somewhat more than a third of that dreadful statistic. Put in other terms, the number of road accident fatalities per capita has fallen from a peak of 30.4 per 100,000 people in 1970 to 6.9 per 100,000 in 2009, largely as a result of government measures such as the introduction of compulsory seatbelts, installation of speed cameras and red-light cameras, improved roads and vehicles and the strengthening and enforcement of laws governing road use, including random breath testing, as well as an increasing public awareness of road safety.

One of the chief culprits of road fatalities has been the four-wheel-drive vehicle. In 2002 an Australian Transport Safety Bureau report titled Four wheel drive crashes highlighted that collisions involving four-wheel-drives are nine times more likely to kill other road users than to kill the driver of the four-wheel-drive, and the number of fatal crashes in four-wheel-drives jumped 85 per cent between 1990 and 1998 compared with an overall reduction of 25 per cent in fatal crashes on the roads for the same period. By 1998 12 per cent of fatal crashes on Australia's roads involved four-wheel-drives. This compared with five per cent eight years earlier.
Paradoxically four-wheel-drives enjoyed favourable tax status for decades with five per cent tariffs compared with 15 per cent tariffs on other cars. We had a tax regime that encouraged the purchase of four-wheel-drives and sales consequently soared. In 1995 the customs duty tariff on passenger cars was 27.5 per cent, but for four-wheel-drives it was 7.5 per cent. Over the years both have come down and as of 1 January 2010 both are now taxed at five per cent.

The reason the difference existed was that two decades ago four-wheel-drives were tools of the trade. Now many are not. They are simply passenger cars. For those who take their vehicles off the road it is the capacity for these all-terrain vehicles to explore off the beaten track that makes them attractive. Large four-wheel-drives have considerable towing capacity, which is useful for those with caravans and boats. According to car makers, however, only a fraction of four-wheel-drives actually make it off the road. Despite this, vehicles named Discovery and Explorer offer the possibility of fulfilling the dream of a great trip or adventure. For many it remains only a dream.

For others the attraction is their tough appearance. They are generally large vehicles and occupants sit higher, providing great road visibility and a perception of safety. But this perception is often false. In four-wheel-drive crashes involving multiple vehicles, occupants of four-wheel-drives accounted for 18 per cent of fatalities compared with 64 per cent for car occupants. Four-wheel-drive owners argue that they are safer in a four-wheel-drive than in a car. Yet the number of fatal four-wheel-drive crashes increased by 85 per cent between 1990 and 1998. The Australian Transport Safety Bureau attributed the rise to an increase in four-wheel-drive activity rather than to any increase in vehicle safety. The bureau also indicated that cars and light trucks recorded slightly lower fatal crash involvement than four-wheel-drives. While owners defend their right to choice, the increase in urban four-wheel drives has met with criticism. Some people deride them as 'Toorak tractors' or 'urban assault vehicles' and claim that their proliferation in urban areas is a safety threat. Critics say that their size and bullbars pose a threat to other road users and pedestrians and that high fuel consumption is an environmental cost.

Four-wheel drives have also been widely criticised for inferior handling and relative lack of manoeuvrability. A study by the Monash University Accident Research Centre in April 2007 found that four-wheel drives were especially vulnerable to rollovers because of their high centre of gravity, and crash test results indicated that they struck with about four times the force of a car. An Australian Transport Safety Bureau report shows that collisions involving four-wheel drives were nine times more likely to kill other road users than to kill the four-wheel driver. Of the 13 children involved in driveway related fatalities in Victoria since 2000, 10 were killed by a four-wheel drive or truck. Kidsafe Australia President Dr Mark Stokes said that driveway fatalities were easy to prevent and that the one way of doing this was to abandon the four-wheel drive as the family car. Other statistics indicate that, as the mortality and morbidity arising from cardiovascular disease, cancers and other illnesses decline with improvements in medical science, deaths and morbidity resulting from motor vehicle accidents will, as a proportion, slowly increase unless further effective steps are taken to improve road safety.

Most of the road safety measures introduced over the last few decades have been largely passive in that they do not actively affect the mechanical operation of the vehicle but rely...
mainly on modifying the behaviours of the drivers, who are vulnerable to the normal human frailties and errors of judgment. Fortunately, however, recent advances in electronics, computers, sensors and actuators have made practical and affordable a major improvement in the safety of motor vehicles, and there now exists a substantial list of proven technologies that either have been shown to reduce road fatalities or have the potential to do so. Those that are currently available in some models include antilock brake systems that improve steerability and hasten deceleration during hard braking; an electronic stability control that detects and prevents skids; and a traction control system that prevents drivers losing control when manoeuvring.

Other active systems—those meant to prevent crashes—include but are not limited to forward collision warning systems that detect a potential collision and sound an alarm; automatic braking that senses a potential collision and applies the brakes without driver input; traffic sign recognition that sounds an alert as a driver enters an area where traffic rules or speeds have changed; lane departure detectors that sound an alarm when a vehicle strays from its lane; lane departure prevention devices that stop a car from changing lanes when the device detects a hazard coming from behind in the next lane; and back-over detection that warns a driver of an unseen obstruction or person when the vehicle is backing up and sounds an alarm or applies the brakes if necessary. The frequency of the regular, distressing reports of children being run over by reversing vehicles could be greatly reduced by the compulsory installation of this single device.

Demonstrating the effectiveness of these devices, in 2006 the United States Insurance Institute for Highway Safety concluded that electronic stability control reduces the likelihood of all fatal crashes by 43 per cent, fatal single-vehicle crashes by 56 per cent and fatal single rollovers by 77 to 80 per cent, a huge improvement. Ahead of the Europeans in responding to these convincing figures and other strong evidence from 2004 that was ignored by the Howard government, the Australian Labor government announced on 23 June 2009 that electronic stability control would be compulsory for all new passenger vehicles sold in Australia from November 2011 and for all new vehicles sold from November 2013. As a result of this single measure, fatalities from road crashes can be expected to be reduced by almost half over the next 15 to 20 years, roughly the replacement time for the national vehicle fleet. This rational and humane policy of our government will eventually result in almost 700 fewer people being killed on Australian roads each year. In fact, the road toll could be halved.

Of all the achievements of the Labor government, I would say that the introduction of electronic stability control in motor vehicles and its impact on the road will be seen as one of the most beneficial. Affordable and practical technology now exists that makes possible a great reduction in the road toll. Yet, with the exception of electronic stability control, none of the recent advances in active safety systems have been required to be fitted to new vehicles. In my view, this situation needs to change rapidly. Considering the benefits, many of these life-saving devices should be fitted to all new vehicles now.

Mrs ANDREWS (McPherson) (21:20): I rise to speak about a serious issue with education, training and the development of a skilled workforce in the mining and resources sector. I note recent comments from the Premier of Queensland to the effect that Western Australia and Queensland will be fierce competitors for skilled labour to meet the demands of
the mining boom. I also note that the Queensland Premier quotes a figure of some 38,000 new jobs that will be created in the mining and resources sector in Queensland by 2015 and that an agreement has been reached between the Queensland state government and the resources sector to seek out new workers from coastal areas with high unemployment.

There is no question that significant employment opportunities will exist in the mining and resources sector over the coming years for a very broad range of classifications, from drillers, labourers, machine operators, catering and domestic workers through to shift supervisors, geologists and engineers. Mining companies are currently recruiting staff with experience in the sector but are also taking on workers who will be new to mining and resources.

On the Gold Coast we have an available workforce ready and willing to work in the mines, so this is a region where the mining sector needs to be proactively seeking to recruit. This is an opportunity that will benefit both the mining companies and the Gold Coast population. The mining companies are looking for workers and on the Gold Coast we have the workers willing and available to start work now.

As I am sure many people are already aware, the Gold Coast is Australia's sixth largest city. South-East Queensland has experienced significant growth over recent years and this is predicted to continue, with the population on the Gold Coast likely to reach close to 750,000 in the next 15 years. For many years the Gold Coast economy has been dependent on tourism and construction. When those sectors were performing well the Gold Coast prospered. But during downturns the Gold Coast has suffered more than other parts of Australia. The development of other industry sectors has been slow but consistent and today the Gold Coast has a strong light-manufacturing sector with capacity for further growth and, importantly, we have a sound and extensive education sector. I will speak more about education shortly.

The Gold Coast has historically had unemployment rates of about one per cent to 1½ per cent above the national average. I believe that this has been for two reasons. Firstly, we are an economy based largely on tourism and construction, where a certain amount of work is either seasonal or project based. Secondly, people are attracted to the Gold Coast often for lifestyle reasons and the skills and experience that they present with do not always align with the work that is available. Consequently, those people have difficulty in securing employment.

Recently, a mining and gas jobs expo was held on the Gold Coast. It attracted around 10,000 people, the vast majority of whom were job seekers. The people I spoke to had a range of qualifications and work experience, including relevant trade certificates. All were united in their eagerness to find work and all wanted to work in the mining and resources sector. It is clear that the Gold Coast has an existing workforce ready and able to work in the mines or the gas fields, so the issue for us is to put in place appropriate measures to ensure that we are in the best possible position to be part of, and to support growth in, the sector.

Today I specifically want to speak about two issues. First is the establishment of a fly in, fly out terminal at the Gold Coast Airport. FIFO is critical to the maintenance of a viable mining and resources sector as it goes through a period of unprecedented growth. Whilst I understand that there are significant social issues associated with FIFO workers and their families, the mining and resources sector will need to source labour from a range of different areas in order to meet the growing workforce need. As such, I believe a proactive approach to FIFO must be taken. Clearly, support for the families of the FIFO worker is essential, and I believe that the Gold Coast is well placed to offer that necessary support. Specifically, we
have world-class education facilities, with four universities, over 160 RTOs and a wide range of public and independent schools. Medical facilities on the southern Gold Coast, close to the airport, include public and private hospitals and medical centres, as well as medical practitioners, specialists, dentists and allied health professionals. We also have numerous sporting clubs and community groups that would be able to support the families of the FIFO workers.

Importantly for the industry and in support of a FIFO operation, the Gold Coast is, on average, 2½ hours journey time from mining and gas work sites and has existing transport infrastructure in place. I understand that the second terminal at the Gold Coast Airport has sufficient capacity and is considered to be an excellent location for a FIFO facility. I have made a submission to the House Standing Committee on Regional Australia's inquiry into the use of fly-in fly-out work practices in regional Australia and I am aware that a number of other interested parties have also made submissions on behalf of the Gold Coast. In my submission I outlined, as I have done today, the benefits to the Gold Coast community of the establishment of a FIFO facility as well as the support the community could offer FIFO workers and their families. I am hopeful that the committee will visit the Gold Coast as part of its inquiry so that it can be informed of the benefits of locating a FIFO facility on the Gold Coast for the community, workers and their families and also the mining and gas companies.

I turn now to education and the opportunities that we have on the Gold Coast to support the mining and resources sector. I will start with the universities. As I said earlier, we have four university campuses on the Gold Coast: Griffith, Bond, Southern Cross and Central Queensland. Our universities are world-class and already offer a selection of courses that are relevant to the mining and resources sector. However, targeted courses in engineering for the mining and resources sector could and should be developed and offered. In particular, emphasis in the engineering courses should be given to project management, procurement, engineering and resources management, oil and gas engineering and sustainable mining practices. Engineers skilled in these areas are in short supply in the mining and gas sector, and I understand from a number of employers that this expertise would be advantageous and well regarded by the industry.

Consideration should also be given to the development of a master's program in the relevant subject areas as well as targeted short course delivery to suit a FIFO workforce. At the trade level, it is widely accepted that there is a general shortage of tradespersons, and that is an issue that is relevant Australia-wide. There are reduced take-up rates for apprenticeships and, coupled with a low completion rate, this has led to a shortage of qualified tradespersons across a range of trades. The mining and resources sector needs to take a proactive approach to this skills shortage and consider taking on more apprentices in the future, and those apprentices should be taken on in a range of different skills bases.

There is a model for trade training on the Gold Coast that could readily be adapted to the needs of the mining and gas industries and operate on a fly-in fly-out basis. I refer here to the model implemented at the Australian Industry Trade College. The AITC curriculum is delivered in a rotating four-week pattern, where students attend college for a four-week period to study senior Queensland Studies Authority, QSA, subjects. This is followed by a four-week period as a full-time school based apprentice. This pattern continues for the last two years of school, at the end of which the student graduates with a nationally recognised qualification—
the Queensland Certificate of Education. It is worth noting that the graduation levels from the Australian Industry Trade College are significantly higher than those for apprentices in other sectors going through other methods of training, so the model certainly has a lot to offer the industries. The model would also, clearly, be appropriate to the mining and gas sector operating fly-in fly-out work practices.

I believe that the Gold Coast is well placed to develop as an education hub for the delivery of world-class engineering programs at the trade, graduate and master's levels, with emphasis on the mining and resources sector, and I am confident that we will become the international centre of excellence for mining and engineering education. In concluding tonight, I call on the government to support the development of a fly-in fly-out facility on the Gold Coast and to support the growth of the Gold Coast as an international centre of excellence for mining and engineering education.

**Medical Workforce**

**Mr HUSIC** (Chifley—Government Whip) (21:30): This is probably not going to seem remarkable to a number of my colleagues in here who share the position of having been elected to this parliament for the first time. As new members we all bring a new degree of energy to our respective seats—I am not going to talk the other side up too much because obviously we have a job to do in a few years time!—and we do think very much about what we can do in the time that we have to improve the lives of our local communities. Certainly, as a new MP and having grown up in the area I have the privilege and great honour to represent, our neighbours and friends. We just want to see good things done in the electorates that, again, we have the honour of serving and speaking up for.

In my electorate of Chifley, in Western Sydney, infrastructure is a big concern, particularly infrastructure that allows for the provision of quality health care and, through a range of different things, improving services. But it is also about making available infrastructure that allows us to make a real difference in the healthcare options that people have. I am really conscious of it, being in an area of Western Sydney where people are not flush with funds and where transport, which many of us take for granted, is sometimes not easy. The public transport options are limited and, in the suburbs that fall within Chifley, rates of drivers licence possession are amongst the lowest in Sydney, so getting around is a real issue. If we can provide health care that is easy to access and easy to get to, that makes a real difference.

Last year, I was really pleased to have in the Chifley electorate Parliamentary Secretary Butler, as he was then, visiting the Mount Druitt Hospital. The hospital forms part of the UWS campus and, along with Blacktown Hospital, is located in the biggest local government area of New South Wales, Blacktown, a huge area that is growing all the time and that has definite need. A few weeks ago, on 19 October, it was fantastic to have the Prime Minister out to open the nearly $21 million University of Western Sydney clinical school. It sits in Greenway, but its benefits will spread across a range of Western Sydney electorates. I recognise that a number of my colleagues were present, including the member for Parramatta, the member for Fowler and the Minister for Health and Ageing, who has been a very strong advocate for this facility. The facility has a special purpose: through the school, about 100 local doctors will be trained. The beauty of this is that, by training up doctors in the area they come from, we will have a greater ability to retain doctors in Western Sydney. I know from
representations I have made to the minister that we have a number of areas that are classed as 'districts of workplace shortage', where it is simply impossible to get local doctors in. In fact, we require overseas trained, appropriately qualified GPs to come in because we cannot get people there. The eastern part of Sydney tends to act as a magnet for people with medical expertise, which means it is really hard, particularly in high population growth areas, to get GPs. This school will fill a special need and will also ensure, for example, that third-year students are provided with full-time attachments to hospitals. That will be another huge boost to the hospital system but will also provide those students with an excellent opportunity to learn and to build their skills, and to form a greater attachment to the region they have come from. Hopefully we will retain those critical skills in our region.

There has been a range of big investments in health care in the Blacktown-Mount Druitt area. I mentioned earlier that last year, when he was parliamentary secretary, Mark Butler visited Mount Druitt Hospital. He announced a $4 million investment in equipment there, including for the provision of subacute beds and paramedic equipment, but also to replace an old, four-slice CT scanner with a 64-slice one.

This is great news for a hospital that occupies a special place in the Mount Druitt area—so much so that its role is recognised. It is one of the hospitals that scores exceptionally well when it comes to the feedback from people who have been through the hospital for treatment. In fact, close to 90 per cent of overnight patients rated their care at Mount Druitt Hospital as good, very good or excellent. That hospital, which was—and this is probably noteworthy, given recent events—opened by the Queen, has been providing quality health care, as rated by the people who need to go there. It is really a jewel in the crown of Western Sydney health care—particularly in an area where people, as I said earlier, are not necessarily flush with funds and find it difficult to get access to transport. They have, right in their neighbourhood, a hospital that, when they need it, should they need it, gives them really good health care, and they rate it as such.

As I suspect you have gathered in the short time I have been speaking, getting access to affordable, accessible health care is an absolute priority for me. It is a passion that I bring to this place. But it would not necessarily match the passion and commitment that a number of people bring to the table in Western Sydney—people like Associate Professor Peter Zelas; people like the GM of the hospital, Dominic Dawson; people like Dr Graham Reece—or match those of the range of medical practitioners and doctors and nurses who dedicate themselves to bettering the lives of people in our area or help ease the burden that people suffer when their health is not as good as they would like it to be.

But, much as the hospital itself is doing very well and is well received, nobody would want to be complacent. Again, some do it tough, and I would never want to see a situation where they sacrificed health care because they did not have the money or the access. We certainly do have things we can do to help people and take the hospital to greater levels of performance in being able to provide something of incredible value locally.

One of the things I feel strongly about—and it is something that my predecessor, Roger Price, felt strongly about, as does a colleague in the local area, the state member for Mount Druitt, the Hon. Richard Amery—is the need to get a licence for a magnetic resonance imaging machine to be situated in Mount Druitt Hospital. Blacktown Hospital has an MRI already. In fact, its imaging department is seen as the most efficient in the system, particularly
in Western Sydney. The MRI machine itself does not exist; we do not have a licence that will allow for a machine to be situated in Mount Druitt Hospital. As much as there has been an improvement via the provision of a new CT scanner, MRIs—and I know that you, Madam Deputy Speaker Bird, have pushed for this in your local area—are one of the most efficient pieces of equipment for helping diagnosis and treatment. We need this licence.

I have written to the Minister for Health and Ageing on this. I have also met with her about it. A few months ago I kicked off a petition to demonstrate the huge community demand that exists to see an MRI machine situated in the suburbs where, as I said, people do not necessarily have money or transport options. I do not want them sacrificing or foregoing treatment or being able to access this type of equipment because they think they do not have the money or the ability to travel long distances to get the help they need. Next week I will be undertaking a range of mobile offices across the electorate of Chifley where I will have that petition present. I will be calling on people to throw their support behind this campaign, so that we can indicate to the minister for health that there is huge demand in our area for this machine and to ensure that a hospital that is doing great things can do even greater things into the future, and people can continue to get the quality health care that they so richly deserve.

**Mining**

Mr CROOK (O'Connor) (21:40): I did not support the mining tax at the election, I do not support the mining tax now and I will be voting against the mining tax when it comes before this parliament. I have consistently stated that I do not support a Commonwealth mining tax. I believe that Australia's natural resources are owned by the states and not the Commonwealth. As such, I believe that the current royalty regime is the appropriate tax for natural resources. A Commonwealth mining tax is yet another attempt by the Commonwealth government to erode state rights and state royalties. A Commonwealth government mining tax will be yet another impost on the state of Western Australia. It is part of the triple assault on WA by the federal government: mining tax, carbon tax and the unfair rate of return of GST revenue.

As well as my opposition to the mining tax generally, I have issues with the negotiation, design and application of this particular mining tax, referred to as the minerals resource rent tax: firstly, it will harm Australia's miners by damaging their international competitiveness; secondly, the mining tax was the result of secret negotiations between the Prime Minister and the three biggest multinational, multiproject mining companies; and, finally, it will deliver advantages to the three big miners who negotiated the tax, while delivering competitive disadvantages to smaller emerging miners, who were excluded from negotiations.

The mining tax as we know it must be scrapped. The current mining tax was designed behind closed doors with the big three mining heavyweights: BHP, Rio and Xstrata. These three companies are multinationals, with numerous projects that post tens of billions of dollars profit each year. Excluded from these negotiations were the 320 smaller mining companies, who compete in the same global market as the big three. Also excluded were the state and territory governments, including the governments of Western Australia and Queensland, where most of the mining industry operates. The secrecy that surrounded the negotiations has also extended to the assumptions, modelling and figures used by the government to underpin its forward estimates. Compare this to the Western Australian government, for example, which publicly provides assumptions underpinning royalties forward estimates in its budget. I implore the government to listen to the industry, listen to the people and scrap this tax.
However, if the government refuses to scrap the tax, it must at least make changes to ensure that it is fairer for the mining companies excluded from negotiations.

I have opposed this mining tax passionately, because my electorate of O'Connor is the home of many mining companies and many of those companies' employees. These companies employ, train and upskill many of my constituents. Further, these mining companies, more than any other industry, continually make valuable voluntary contributions to the community through the provision of infrastructure, through the funding of charitable projects and through sponsorship. For example, a natural resource company operating in the port of Esperance recently constructed the town's first overpass—a major infrastructure project that will continue to provide benefits to the town for many years to come. More than $4 million was spent on local goods, services and contractors during the construction of the bridge.

However, you do not need to live in an electorate such as O'Connor to oppose the mining tax or to be outraged by the grossly unfair way this tax was negotiated and finalised. In fact, most Australians would feel very uncomfortable with the way this tax is set to unfairly advantage the three biggest and most profitable mining companies at the expense of the rest of the mining industry. Shame on the Labor government, the government that holds out the values of fairness and equity, for devising and imposing a tax that advantages the three richest, largest and most powerful mining companies at the expense of smaller mining companies in Australia. Shame on the Prime Minister for trading off the interests of the unrepresented mining industry to help seal her own leadership deal. This tax should be scrapped. If the federal government insists on a mining tax, it should start fresh negotiations in good faith for a fairer mining tax. It is my position that if the legislation is passed, and I truly hope it is not, then at least it must be fair.

Unlike the government, I have spent considerable time consulting industry on these issues. Industry has serious concerns about the inequitable application of the mining tax to the companies that were not privy to the secret negotiations. Modelling and studies conducted by the industry and academic institutions have indicated that the application of this tax will lead to the emerging and smaller miners paying the mining tax earlier and at a higher rate than the big three miners who negotiated the tax. This competitive disadvantage was confirmed in a study conducted by a professor of economics at the University of Western Australia. Following a question during question time on the UWA study, the Treasurer offered me briefings by Treasury officials on this report. In these briefings officials from Treasury confirmed that the modelling figures and conclusions of the study were correct and that emerging miners will pay a higher rate of mining tax than the three biggest established miners.

We must ensure that smaller miners, perhaps with single projects, do not have cost disadvantages with the bigger miners with multiple projects; after all, they are all selling their product in the same global market. At the very least, we need to ensure this tax is fair. After lengthy consultation with industry, there are at least two ways we can make the tax fairer for industry members excluded from negotiations. Firstly, the miners that were completely excluded from the negotiations of this tax should not be subject to the tax. Given that the three big miners were the only companies that negotiated the tax, these are the companies that should pay the tax. If some of the miners excluded from the negotiations are unfairly forced to pay then there should be a much higher threshold before the mining tax liability kicks in. Secondly, and additionally, the government should commit in legislation that smaller miners...
will not pay the mining tax any earlier, or at a higher rate, than the three big mining companies. These proposals will not fix this mining tax. However, these proposals would at least make the tax fairer for the smaller mining companies excluded from the negotiations.

Finally, I would like to discuss the proposed use of the mining tax revenue. The government's rhetoric in the budget papers and as recently as today's question time is that the mining tax is 'investing in our mining regions' and 'further investment in our regional communities'. It is hard to believe these statements from the government when over 50 per cent of the first billion dollars from the mining tax fund will be spent on upgrading the roads, freeways and bridges around the Perth city airport under the Gateway WA project. What I would like to know from the government and the relevant ministers is: how many of their nine Regional Development Australia committees in WA have endorsed the Gateway WA project as the No. 1 regional development project in my home state? I think I know the answer and it will be either none or, at the very best, one. I hear the government is trying to justify this project as regional development, but the reality is that it is nothing more than pandering to marginal electorates and further supporting a fly-in fly-out workforce, which has a devastating effect on regional development in Western Australia. I urge the regional members of this House, especially those who have a resource industry, to consider the merits of the mining tax for regional development and regional Australia.

This mining tax is bad for industry, bad for Western Australia and bad for my electorate of O'Connor. Further, this particular mining tax is grossly unfair for smaller and emerging miners and every mining company excluded from the Labor government's deal with the big three.

Defence Personnel

Mr WILKIE (Denison) (21:48): I rise tonight to address a number of defence personnel issues which have come to my attention and which warrant genuine consideration by the government. But, before I do, I wish to acknowledge the death of three more Australian soldiers in Afghanistan. The political debate about the war—as much as there is one—and my personal opposition to the conflict are one thing, but the fine performance of our soldiers in Afghanistan and the tragedy when one or more of them is killed or hurt is another thing entirely. My heart goes out to the families and friends of our most recent fatalities. May our nation's sons rest in peace. And may we in this place be careful to ensure the work of all our service men and women is appropriately recognised and rewarded.

To that end, I urge the government to look afresh at the continuing unfairness in the superannuation arrangements for some serving and retired defence personnel, in particular members of the Defence Force Retirement and Death Benefits Scheme and the Defence Forces Retirement Benefit Scheme. In essence, the problem is that currently the benefits paid by DFRDB and DFRB are indexed to the consumer price index instead of to male total average weekly earnings or the pensioner and beneficiary living cost index as is the case with other government benefits and pensions. As a consequence, the real value of the pension for some defence superannuants is falling further and further behind, to the point where evermore ex-service men and women are struggling to meet even the most basic costs of living—and that is wrong.

Neither the government nor the opposition is in the clear on this matter because the problem has existed for many years and neither has done anything about it. The ALP should
be condemned for not doing something about it since its election in 2007. The coalition should be condemned for not doing something about it during the Howard years and, more recently, for tabling a patently unconstitutional private members' money bill in a theatrical display designed to win over serving and ex-service men and women.

Another perennial issue of concern is defence compensation arrangements—for instance, the way some service personnel have to choose whether to receive compensation by pension or a lump sum if they fit within the Veterans' Entitlements Act or the Safety, Rehabilitation and Compensation Act. The way I understand it, in some cases, if they opt for a lump sum payment, their pension is reduced to offset the cost. On the face of it, this seems perfectly fair, except that once the cost of the lump sum payment has been offset, the pension does not increase to the full level. So those veterans who need a helping hand early on are forced to take less money overall than those who opt for the pension alone. The review of military compensation arrangements released in March this year has found that there are several alternatives which may address the perceived inequities in the compensation system, but they have been deemed too complicated to implement. Again, that is wrong.

Such matters do need to be looked at afresh and every effort should be made to ensure our ex-service men and women are treated fairly. While we are at it, we need to be mindful that the defence community is much bigger than the men and women in uniform and it is not just service personnel who need the government's support. Defence families, in particular, experience unique pressures—for example, regular relocations and lengthy time apart due to postings, operations and training. Helping out is the Defence Community Organisation, which provides counselling, relocation support, crisis care for dependants and bereavement support. But cuts are proposed which would drastically reduce the level of support the DCO provides, including cutting skilled social workers, reducing allowed client visits and a reduction in regional centres.

I understand that the natural instinct of governments is to cut costs by centralising service delivery. However, I firmly believe that our defence families deserve the very best and most personal services we can give them, including being able to directly access services locally without having to go through a national call centre. The Hobart DCO will be one such centre affected if the proposed reforms are realised and it would be increasingly difficult for families, particularly in Tasmania, to access the care they need. Again, that would be wrong.

Another important consideration for our soldiers, past and present, is recognition. I am concerned to have learned there is some division within the Vietnam veterans community about the anniversary of the Battle of Long Tan on 18 August being used as Vietnam Veterans Day. The issue is not the importance of the Battle of Long Tan, which is clearly one of the most significant battles in Australian military history and one that warrants special recognition. No, the issue is that some veterans of other battles in South Vietnam are frustrated because they feel Vietnam Veterans Day ceremonies focus too much on Long Tan to the exclusion of the other significant battles. Some veterans even avoid the ceremonies on that day as they do not feel included or appropriately recognised.

Frankly, it upsets me to know that some, perhaps many, of those who made great sacrifices for us in times of war are left feeling excluded on the very day meant for them. Make no mistake: I am ex-6 RAR myself and I agree that the Battle of Long Tan is enormously significant and should be remembered as such. Perhaps it should be granted its own
commemorative day, but I do see how it could be inappropriate to recognise the entire sacrifice made by Australian diggers in Vietnam on the day of just one of the many battles that make up that sacrifice. Perhaps it would be more appropriate and respectful to recognise Vietnam Veterans Day on the date the Australian Army Training Team Vietnam first touched down in Saigon or the date our combat troops completed their withdrawal.

Talking of anniversaries, and on a more positive note, I am delighted to recognise that Anglesea Barracks in Hobart is the oldest continually occupied barracks in Australia and on 2 December this year will celebrate its bicentennial—the first bicentenary, in fact, celebrated by the Australian Defence Force. It goes without saying—but I will say anyway—that I was delighted with the Prime Minister's commitment to me earlier this year to keep Anglesea Barracks regardless of any Defence recommendation to do otherwise.

Finally, I would like to wrap up this omnibus of defence issues with the plight of one particular ex-serviceman, a constituent about whom I do not claim to know all the facts other than that there is a strong prima facie case that he has been treated unfairly and I think it is time for the minister to intervene. My concern is to do with Wing Commander Robert Grey, retired. For over a decade now Mr Grey has been seeking an inquiry into the dismissal of several senior RAAF officers, including himself, under defence inquiry regulations. He has been told continually that the problem is an administrative one, thus denying him access to the military justice system. The Department of Defence has repeatedly directed him to the Scheme for Compensation for Detriment caused by Defective Administration and refused to instigate an inquiry. This is despite the fact that the Minister for Defence Science and Personnel, the Inspector-General of the Australian Defence Force and the Chief of the Defence Force have all recognised that significant errors occurred in the handling of Mr Grey's dismissal. Mr Grey is currently left without answers, only being given the option to engage in the CDDA review process. But, given that this scheme has been largely discredited by the Commonwealth Ombudsman and in the Street and Fisher report, it is a sad indictment that the department will not allow Mr Grey and his colleagues to access a more appropriate avenue to address their grievances in the form of a merits review. I think it is time for the minister to intervene.

In closing, Australia owes a great deal to our armed forces past and present. We need to recruit them carefully, train and equip them well, put them in harm's way only when genuinely warranted, and care for their loved ones along the way. Our consideration must extend to when they are hurt or retired. Finally, I should declare again that I have a personal interest in some of these matters on account of being a beneficiary of both DFRDB and DVA pensions myself.

Mental Health

Mr TUDGE (Aston) (21:58): by leave—Just in the last couple of minutes that we have before we rise tonight, I would like to say that the Minister for Mental Health and Ageing announced last week that a headspace centre would be based in the outer east of Melbourne in either Ringwood or Knox. This is a terrific outcome for the people of the outer east. There is a significant need for such services in our community, where the incidence of youth mental health problems is higher than the state average yet the services available are lower than the average in the rest of the state, or certainly in the rest of Melbourne.
I have been leading a campaign for many months now to try to raise the awareness of youth mental health in my electorate and to try to get a headspace centre based there. We have had a public forum. We have raised $19,000 in charitable donations, partly going towards the headspace foundation and also the Butterfly Foundation. We have brought attention to the issue through the local media, and we have led a petition which has received 10,000 signatures, which we believe is the second largest petition in Aston history. Of course, I would like to see the centre finally go in in Knox rather than in Ringwood, which is just up the road in the member for Deakin's electorate. However, either way it is going to be a good outcome for the outer east—but I will certainly still be campaigning for it to be based in Knox. I would particularly like to thank my Youth Mental Health Committee for all the work that they have done—in particular Pauline Renzow and Prerna Diksha.

The DEPUTY SPEAKER (Ms S Bird): The time for grievances has expired and the debate is interrupted in accordance with standing order 192(b). The debate is adjourned and the resumption of the debate will be made an order of the day for the next sitting.

Main Committee adjourned at 22:00
QUESTIONS IN WRITING

Bilson, Mr Tony
(Question No. 204)

Mr Briggs asked the Minister for Foreign Affairs, in writing, on 22 February 2011:
In respect of the media report 'A rails run on the champers' (Daily Telegraph, 30 November 2010, page 16), is it a fact that chef Mr Tony Bilson was contracted to work at an event held by the Australian High Commission in Bangladesh; if so, (a) on what date and for what purpose was this event held, (b) what sum of money was Mr Bilson paid for his services at this event, (c) did the Government pay for Mr Bilson's airfares and accommodation; if so, what was their combined cost, and (d) what was the total cost to the Government for this event.

Mr Rudd: The answer to the honourable member's question is as follows:
No. (a) The High Commission has not held any event involving Mr Bilson, (b) nil, (c) no, and (d) nil.

Asylum Seekers: Education Services
(Question No. 234)

Mr Briggs asked the Minister for Immigration and Citizenship, in writing, on 3 March 2011:
In respect of the additional capital works, acquisitions, employment and contractual services at schools providing education to children in the Inverbrackie detention centre: what total sum of money (a) has been, and (b) will be, provided to the SA Government to cover associated costs, and what is the itemised breakdown of these costs.

Mr Bowen: The answer to the honourable member's question is as follows:
Minors at the Inverbrackie Alternative Place of Detention (APOD) attend a variety of public schools and preschools in the Adelaide Hills area.
The costs incurred by those schools in delivering services to detainee minors (including but not limited to salaries of additional teachers, senior teachers and teachers' aides, teachers' equipment, school fees, school uniform costs, school excursion costs and other related education costs for detainee minors), will be paid to the Government of South Australia on a cost recovery basis.
The fees will be set out in a formal agreement which is currently being negotiated between the Commonwealth of Australia and the State of South Australia.
The Department of Immigration and Citizenship exchanged letters with the South Australian Department of the Premier and Cabinet on 17 December 2010, in which the parties agreed to work together in good faith to establish the formal agreement and that, in the meantime, South Australia would provide education (and other) services to people housed at the Inverbrackie APOD.
In accordance with the exchange of letters, approximately $860,000 has been paid to date to the Government of South Australia for education services provided to minors located in the Inverbrackie APOD.
It is not possible to predict the total sum of future costs that will be provided to the Government of South Australia as:
- the formal agreement is still being negotiated;
- the number of children residing in APODs continues to decrease as more children are moved into community detention arrangements; and
- the particular fees payable are determined on a cost recovery basis (depending on the number of children that attend the public schools).
Foreign Affairs and Trade: Social Media

(Question No. 331)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 24 March 2011:

(1) Has his department undertaken any studies into the effectiveness of new social media in its public diplomacy campaigns; if so, when were they undertaken and what were the results.

(2) How many Australian embassies have (a) Facebook, (b) Twitter, and (c) Youtube, accounts, and where are these embassies located.

Mr Rudd: The answer to the honourable member's question is as follows:

(1) DFAT is currently trialling the use of social media to promote two major bilateral public diplomacy programs in North Asia: the Imagine Australia Year of Australian Culture in China 2010-11; and the Australia-Korea Year of Friendship 2011.

(a) Imagine Australia Year of Australian Culture in China

The Australian Embassy in Beijing has established a presence, in broadcast mode only, on three Chinese-language social media sites, similar to Facebook, Twitter and YouTube. They include:

• Sina Microblog: a Twitter-style microblog account, for message posts of up to 140 characters, photos and video http://blog.sina.com.cn/imagineaustralia

• Sina Blog: for longer messages, photos and video http://t.sina.com.cn/imagineaustralia

• Youku account (China's equivalent of YouTube) for uploading of video material http://u.youku.com/user_show/id_UMzI4MzYzODk2.html.

The three accounts aim to promote the official program of events among Chinese audiences and to reinforce other forms of outreach. The accounts were launched in January 2011 and are accessible through the official Imagine Australia website managed by DFAT https://imagineaustralia.net/en/.

The embassy has reported positively on the trial to date, concluding that social media will potentially become the premier platform for marketing the program. Regional outreach has been significantly stronger than anticipated, with subscriber interest coming from most provinces and regions across China. More detailed analysis of the effectiveness of these tools will be undertaken as the year progresses and the outcome of this trial will help inform future use of social media for public diplomacy campaigns.

(b) Australia-Korea Year of Friendship 2011

The bilateral Year of Friendship program marks the 50th anniversary of the establishment of diplomatic relations between Australia and the Republic of Korea. The Australian Embassy in Seoul is trialling the use of YouTube and a Korean-language i-Phone application to promote events on the official program to audiences in the Republic of Korea.

They include:

• YouTube: videos of Australian cultural performances and official events held in Korea http://www.youtube.com/user/yearoffriendship

• i-Phone Application featuring event listings and photo/video galleries http://itunes.apple.com/us/app/id412557544.

The i-Phone calendar application and YouTube account were launched in January 2011 and are accessible through the official Australia-Korea Year of Friendship website http://australiakorea50.com/ managed by DFAT. The effectiveness of these social media tools to promote the achievements of the past 50 years, and to raise public awareness of Australia in Korea and of the importance of the bilateral relationship to both countries, will be progressively assessed over the coming year and will be reported on in full at the conclusion of the program.
(c) Other uses

DFAT established a generic DFAT Twitter account on 7 April 2011. It seeks to complement the department's traditional communication channels, such as media releases and websites, in order to reach a wider and increasingly mobile audience, including people with limited internet access and travellers who may rely on Twitter for information. In times of consular crises, tweets will provide updates on fast-changing situations and will refer followers to the Department's websites, which remain the authoritative source of information. Twitter is an additional way of sharing information with the public about Australia's foreign and trade policies, latest travel advisories, media releases and breaking news, speeches, recruitment and the release of new publications.

The launch of Twitter followed a number of limited, event-specific social media trials for consular purposes, including during the soccer world cup in South Africa, the Commonwealth games in India and the canonisation of Mary MacKillop in Rome. These trials highlighted the potential benefits of social media platforms as public communication tools but also reinforced the need to address a range of technical, resource and administrative issues, as well as associated risks.

(2) (a) Facebook

No Australian overseas mission currently has an active Facebook account.

Two Australian overseas missions established Facebook accounts for specific time-limited consular purposes in 2010. They were the Australian High Commission in Pretoria for the soccer world cup and the Australian High Commission in New Delhi for the Commonwealth games. Both accounts are now closed.

(b) Twitter

One Australian overseas mission has an active Twitter-style account. The Australian Embassy in Beijing established Sina Microblog, a Chinese Twitter-style microblog account for message posts of up to 140 characters, photos and video, to promote the 2010-11 Imagine Australia Year of Australian Culture in China (see Question 1).

Four Australian overseas missions previously established Twitter accounts for specific time-limited consular events. They were: the Australian High Commission in Pretoria for the 2010 soccer world cup; the Australian High Commission in New Delhi for the 2010 Commonwealth games; the Australian Embassy to the Holy See for the canonisation of St Mary MacKillop in October 2010 and the Australian Embassy in Chile in response to the earthquake in February 2010. These accounts are now closed.

DFAT launched an official generic Twitter account (@dfat) on 7 April 2011. Its primary purpose is to complement the Department's traditional forms of communication and to accompany information published on its websites in order to reach a wider and increasingly mobile audience.

(c) YouTube

Two Australian overseas missions have active YouTube, or local equivalent, accounts.

The Australian Embassy in Seoul established a YouTube account to promote official events associated with the Australia-Korea Year of Friendship 2011 and the Australian Embassy in Beijing established a Youku account (China's equivalent of YouTube) to promote official events associated with the 2010-11 Imagine Australia Year of Australian Culture in China. Both accounts were established in January 2011 (see Question 1).

In addition, four dedicated YouTube channels have been established since December 2010. These include a DFAT channel and channels for Mr Rudd, Dr Emerson and Mr Marles.
AusAID: Papua New Guinea
(Question No. 339)

Ms Julie Bishop asked the Minister for Foreign Affairs, in writing, on 24 March 2011:

(1) Of the 487 Australian adviser positions in Papua New Guinea that were considered by AusAid's Joint Adviser Review Report, how many are currently filled by former AusAID staff.

(2) How many Canberra-based AusAID officials have travelled to Papua New Guinea since the 2010 election, and what was the total cost of their travel.

(3) In respect of part (2), (a) what was the cost of their travel, (b) where did they stay, (c) what were the names of the hotels in which they stayed, (d) what was the total cost of their accommodation, and (e) were additional security measures required for their travel; if so, at what cost.

(4) How many AusAID officials have visited the Southern Highlands region of Papua New Guinea since the 2010 election.

Mr Rudd: The answer to the honourable member's question is as follows:

(1) Six of the 487 adviser positions considered by the Joint Adviser Review in Papua New Guinea are currently filled by former AusAID employees. Of these six, four individuals are Papua New Guinea nationals.

(2) 89 AusAID Canberra-based officials have travelled to Papua New Guinea between 21 August 2010 and 30 June 2011. The total cost of this travel, including accommodation, meals and incidental costs, was $495,031.

(3) (a) The total cost of this travel was $495,031, including accommodation, meals and incidental costs.
   (b) (c) and (e) Consistent with the practice of successive governments, AusAID does not comment on the nature of specific security measures, personnel movements or locations where this information may put staff at risk. AusAID has put in place some new measures to protect our staff in Port Moresby and we are providing our staff with a higher level of security than before. AusAID closely monitors the security environment in Papua New Guinea and ensures all necessary protective security measures are in place to mitigate the risk to AusAID officials when travelling to PNG.
   (d) The total cost of their accommodation was $115,162.

(4) Four AusAID officials have visited the Southern Highlands region of Papua New Guinea since the 2010 Australian election.

Murray Electorate: Youth Allowance
(Question No. 398)

Dr Stone asked the Minister representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, in writing, on 30 May 2011:

In respect of the Youth Allowance in the electorate of Murray for the 2007, 2008, 2009, 2010, 2011 (to date) calendar years: by postcode, then secondary students, tertiary students and other, what total number of applications were (a) received, and (b) approved, and how many of the approved recipients are in receipt of full payment.

Mr Garrett: The Minister for Tertiary Education, Skills, Jobs and Workplace Relations has provided the following answer to the honourable member's question:

The following tables provide the requested information on Youth Allowance recipients in the electorate of Murray for the calendar years 2007, 2008, 2009, 2010 and 2011 (1 January 2011 to 30 June 2011). Full-rate refers to the recipient's payment rate when Youth Allowance was granted.
In order to protect the privacy of individuals, populations less than twenty are reported as "<20". Data includes postcodes where the majority of the postcode falls within the Murray electorate. (Source: Centrelink administrative data)

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**QUESTIONS IN WRITING**
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**Total**

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QUESTIONS IN WRITING
Murray Electorate: Youth Allowance
(Question No. 399)

Dr Stone asked the Minister representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, in writing, on 30 May 2011:

In respect of Independent Youth Allowance in the electorate of Murray for the 2007, 2008, 2009, 2010, 2011 (to date) calendar years: by postcode, then secondary students, tertiary students and other, what total number of applications were (a) received, and (b) approved.

Mr Garrett: The Minister for Tertiary Education, Skills, Jobs and Workplace Relations has provided the following answer to the honourable member's question:

The following tables show the number of people in the electorate of Murray whose claim for Youth Allowance was approved with independent status in the calendar years 2007, 2008, 2009, 2010 and 2011 (1 January 2011 to 30 June 2011). (Source: Centrelink administrative data)

There is not a separate application process for Independent Youth Allowance. The response to Question Number 398 provides information on the total number of applications for Youth Allowance received for the same periods.

In order to protect the privacy of individuals, populations less than twenty are reported as "<20". Data includes postcodes where the majority of the postcode falls within the Murray electorate.

**Independent Youth Allowance - Approved Applications by Postcode in the Electorate of Murray for the Calendar Year 2007**

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Independent Youth Allowance - Approved Applications by Postcode in the Electorate of Murray for the Calendar Year 2008

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### Independent Youth Allowance – Approved Applications by Postcode in the Electorate of Murray for the Calendar Year 2010

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### Independent Youth Allowance - Approved Applications by Postcode in the Electorate of Murray from 1 January 2011 to 30 June 2011

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Murray Electorate: Rent Assistance  
(Question No. 400)  

Dr Stone asked the Minister representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, in writing, on 30 May 2011:

In the electorate of Murray for the 2007, 2008, 2009, 2010, 2011 (to date) calendar years, how many people were/are receiving (a) Rent Assistance, or (b) the Living Away From Home Allowance.
Mr Garrett: The Minister for Tertiary Education, Skills, Jobs and Workplace Relations has provided the following answer to the honourable member's question:

(a) The following table provides the number of people who were receiving payments administered by the Department of Education, Employment and Workplace Relations during the specified period and who received or were receiving rent assistance in the calendar year 2007, 2008, 2009, 2010 and 2011 (1 January 2011 to 30 June 2011) in the electorate of Murray.

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<th>Year</th>
<th>Rent Assistance</th>
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<td>(in the Electorate of Murray)</td>
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<td>2007</td>
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<td>2008</td>
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<td>2009</td>
<td>3355</td>
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<tr>
<td>2010</td>
<td>3288</td>
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<tr>
<td>2011 (1 Jan to 30 June)</td>
<td>1742</td>
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</table>

Source: Centrelink administrative data - Rent Assistance for recipients of Newstart Allowance, Youth Allowance, Parenting Payment, Sickness Allowance, Widow Allowance, Partner Allowance, Austudy, ABSTUDY

(b) As the Living Away from Home Allowance is administered by the Australian Tax Office, the Minister is unable to provide the data requested.

Pacific Seasonal Worker Pilot Scheme
(Question No. 458)

Ms Gambaro asked the Minister representing the Minister for Tertiary Education, Skills, Jobs and Workplace Relations, in writing, on 6 July 2011:

In respect of the Pacific Island Workers Program, (a) how many people have participated to date, (b) what is the breakdown by (i) post code, and (ii) agricultural areas, of where these people worked, (c) what is the anticipated duration of the program, (d) what funding has been provided by his department for this program, and (e) did all workers under the program leave the country when their visas expired.

Mr Crean: The Minister for Tertiary Education, Skills, Jobs and Workplace Relations has provided the following answer to the honourable member's question:

In respect to the Pacific Seasonal Worker Pilot Scheme (the Pilot) and as of 15 July 2011:

(a) 550 workers have participated in the Pilot.

(b) Table 1 contains the number of Pacific seasonal workers who have participated in the Pilot by agricultural location, mapped to postcode level.

Please note that some Pacific seasonal workers have worked in more than one location. Pacific seasonal workers are mapped against each location they have worked in.

Table 1.

<table>
<thead>
<tr>
<th>Agricultural area (ii)</th>
<th>Post code (i)</th>
<th>Number of Pacific seasonal workers placed with growers in the agricultural area</th>
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</table>
Agricultural area (ii) | Post code (i) | Number of Pacific seasonal workers placed with growers in the agricultural area
--- | --- | ---
Robinvale, Vic | 3549 | 184
Murrarwee, Vic | 3586 | 16
Red Cliffs and Koorlong, Vic | 3496 and 3509 | 19
Mundubbera, Qld | 4626 | 176
Gayndah, Qld | 4625 | 13
Bowen, Qld | 4805 | 47
Emerald, Qld | 4720 | 79
Bundaberg, Qld | 4670 | 2
Gin Gin, Qld | 4671 | 10
Geraldton, W.A. | 6530 | 20
Manjimup, W.A. | 6258 | 10

(c) The Pilot will run to 30 June 2012.

(d) The Portfolio Additional Estimates Statements for the Education, Employment and Workplace Relations Portfolio, 2008–09, p.19, displays both the Administered and Departmental funding estimates for the Department of Education, Employment and Workplace Relations to establish the Pilot—see Figure 1.

**Figure 1.**

<table>
<thead>
<tr>
<th></th>
<th>Outcome</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pacific Seasonal Worker Pilot Scheme</td>
<td></td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
<td>$000</td>
</tr>
<tr>
<td>- establishment</td>
<td>8</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administered expense</td>
<td>-</td>
<td>-</td>
<td>403</td>
<td>668</td>
<td></td>
</tr>
<tr>
<td>Departmental outputs</td>
<td>1,039</td>
<td>1,335</td>
<td>1,175</td>
<td>939</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>1,039</td>
<td>1,335</td>
<td>1,578</td>
<td>1,607</td>
<td></td>
</tr>
</tbody>
</table>

Visa compliance is the responsibility of the Department of Immigration and Citizenship (DIAC). DIAC advises that visa compliance by Pacific seasonal workers has been very high with only one worker not departing before their Special Program (Subclass 416) visa expired in November 2010. Requests for information about the Department of Immigration and Citizenship's compliance activities in locating visa overstayers should be referred to the Minister for Immigration and Citizen

**Carbon Pricing**

(Question No. 464)

Mr Hockey asked the Treasurer, in writing, on 16 August 2011:

How many Treasury staff have been involved in the development of the proposed carbon price scheme.

Mr Swan: The answer to the honourable member's question is as follows:

The Climate Change Policy Unit within Industry Environment and Defence Division (IEDD) of Treasury had 13 people involved in the development of the Clean Energy Future Package.
Other areas of IEDD and the Department that were involved in the development of the package include Macroeconomic Modelling Division, Social Policy Division, Indirect Tax Division, Infrastructure Competition and Consumer Division, Personal Retirement Income Division and Tax Analysis Division. These divisions have broader responsibilities but around 87 people had some level of involvement in developing the package.

**Hip Replacement Operations**

(Question No. 465)

Mr Christensen asked the Minister for Health and Ageing, in writing, on 16 August 2011:

In respect of hip replacement operations utilizing now recalled products manufactured by DePuy Orthopedics, Inc., a division of Johnson & Johnson, Inc., (a) how many of these operations were funded by Medicare, and at what cost, (b) what was the cost to the Government of patients who have or will have revision surgery, and (c) what is the Government doing to recoup, from DePuy Orthopaedic, the money it has invested in the use of these products, including revision surgery.

Ms Roxon: The answer to the honourable member's question is as follows:

(a) According to National Joint Replacement Registry data, approximately 4800 hip replacement surgeries occurred in Australia using ASR devices. As Medical Benefits Schedule (MBS) items for hip surgery do not identify which prostheses are used it is not possible to identify how many of these surgeries were funded by Medicare using MBS data.

(b) It is not possible to answer this question - see (a) above.

(c) The Government will continue to consider any options it may have.

**Hicks, Mr David**

(Question No. 471)

Mr Oakeshott asked the Attorney-General, in writing, on 16 August 2011:

Are there any restrictions on Mr David Hicks as a free citizen of Australia; if so, can he indicate what these restrictions are, and specifically why each one is in place.

Mr McClelland: The answer to the honourable member's question is as follows:

Mr David Hicks is not subject to any restrictions as a 'free citizen of Australia'. Like all citizens, he is entitled to the same rights and freedoms, and is bound by the same obligations under Australian law.

**Resources, Energy and Tourism: Tourism Division**

(Question No. 472)

Mr Baldwin asked the Minister for Resources and Energy, in writing, on 16 August 2011:

In respect of Program 4 of his department:

(1) As at 1 July 2011, what total number of staff were employed under this program.

(2) What total number of staff are forecast to be employed under this program in (a) 2011-12, (b) 2012-13, (c) 2013-14, and (d) 2014-15.

(3) As at 1 July 2011, in respect of (a) APS 1, (b) APS 2, (c) APS 3, (d) APS 4, (e) APS 5, (f) APS 6, (g) EL 1, and (h) EL 2, officers under this program, what number were (i) ongoing, (ii) non-ongoing, (iii) full-time, and (iv) part-time, and based in (v) Canberra, (vi) Sydney, (vii) elsewhere in Australia, and (viii) overseas.

(4) As at 1 July 2011, what number of SES Band (a) 1, (b) 2, and (c) 3, officers were (i) ongoing, and (ii) non-ongoing, and what were their (iii) job titles, (iv) common law agreement start and end dates, (v) office locations, and (vi) salary ranges.
Mr Martin Ferguson: The answer to the honourable member's question is as follows:

(1) As at 1 July 2011, a total of 64 staff were employed by Tourism Division.
(2) Staff levels in Tourism Division are forecast to increase slightly in 2011-12 to around 6 additional budgeted staff. Staffing budgets and levels beyond 2011-12 are yet to be determined.
(3) As at 1 July 2011, there were 59 non-SES staff employed by Tourism Division. A breakdown is provided in the table below.

<table>
<thead>
<tr>
<th>Substantive Classification</th>
<th>Ongoing</th>
<th>Non-ongoing</th>
<th>Full-time</th>
<th>Part-time</th>
</tr>
</thead>
<tbody>
<tr>
<td>APS1</td>
<td>47</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>APS2</td>
<td>-</td>
<td>47</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>APS3</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>(includes Graduates)</td>
<td>2</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>APS4</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>APS5</td>
<td>7</td>
<td>1</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>APS6</td>
<td>8</td>
<td>0</td>
<td>7</td>
<td>1</td>
</tr>
<tr>
<td>EL1</td>
<td>24</td>
<td>1</td>
<td>21</td>
<td>4</td>
</tr>
<tr>
<td>EL2</td>
<td>12</td>
<td>0</td>
<td>10</td>
<td>2</td>
</tr>
</tbody>
</table>

1 EL2 staff member was based in Perth; all other staff were based in Canberra.

(4) As at 1 July 2011, there were 5 SES staff employed by Tourism Division. A breakdown is provided in the table below.

<table>
<thead>
<tr>
<th>Substantive Classification (Start and End Dates)</th>
<th>Job Title</th>
<th>Current Common Law Contract</th>
</tr>
</thead>
<tbody>
<tr>
<td>SES Band 2</td>
<td>Head of Tourism Division</td>
<td>1 July 2011 - ongoing</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>General Manager, National Tourism Policy Branch</td>
<td>7 July 2011 - ongoing</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>General Manager, Market Competitiveness Branch</td>
<td>1 July 2011 – ongoing</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>General Manager, Industry Development Branch</td>
<td>1 July 2011 – ongoing</td>
</tr>
<tr>
<td>SES Band 1</td>
<td>General Manager, Tourism Research Australia</td>
<td>1 July 2011 - ongoing</td>
</tr>
</tbody>
</table>

All SES staff were based in Canberra and employed on an ongoing basis.

The salary ranges for SES Band 1 and SES Band 2 staff employed by the Department of Resources, Energy and Tourism (as at 30 June 2011) are provided below.

- SES Band 1: $160,000 - $234,000.
- SES Band 2: $225,000 - $255,000.
Resources, Energy and Tourism: Tourism Division
(Question No. 473)

Mr Baldwin asked the Minister for Resources and Energy, in writing, on 16 August 2011:

In respect of Program 4 of his department in 2010-11:

1(1) What sum of program expenditure was spent on (a) advertising, (b) hospitality or entertainment, (c) information and communication technologies, (d) consultants, (e) staff training and education, (f) external accounting services, (g) external auditing services, and (h) external legal services.

2(2) What are the details of all grants paid, including the (a) recipient, (b) date announced, (c) date that the first payment was dispatched, and (d) date that the last grant payment was due.

3(3) What was the total travel expenditure for staff employed under this program.

4(4) What was the travel expenditure for (a) first class, (b) business class, (c) premium economy class, (d) economy class, and (e) in total, for (i) domestic, and (ii) international, travel.

Mr Martin Ferguson: The answer to the honourable member's question is as follows:

(1) A breakdown of direct expenditure by Tourism Division in 2010-11 is provided below.

Note 1: Figures exclude GST.

Note 2: Figures exclude general corporate overhead costs (e.g. in relation to ICT) which are funded centrally through the Department's Corporate Division.

Note 3: Figures include expenditure for initiatives that are jointly funded by the Commonwealth and States/Territories using funds allocated for implementation of the National Long-Term Tourism Strategy.

(a) Advertising – $28,386.

(b) Hospitality or entertainment – $4,640.

(c) Information and communications technologies – $184,978 (most of this expenditure is for costs relating to the development of the National Tourism Accreditation Framework database).

(d) Consultants – $6,040,761 (most of this expenditure is for costs relating to the Tourism Research Australia work program).

(e) Staff training and education – $43,582.

(f) External accounting services – nil expenditure.

(g) External auditing services – nil expenditure.

(h) External legal services – $41,903.

(2) Details of grants payments made by Tourism Division during 2010-11 are provided below.

TQUAL Grants

During 2010-11, Tourism Division made milestone payments for the TQUAL Grants projects announced by the Minister on 15 December 2009. Payments made during 2010-11 totalled $2.911 million (excluding GST). Details of these projects, including grants recipients, are available at http://www.re.t.gov.au/tourism/tourism_programs/tq/tgrants/Pages/default.aspx. Payments for these projects were made over the period from January 2010 to June 2011; final payments were completed in June 2011.

Regional Tourism Project - Wonthaggi State Coal Mine Visitor Centre Upgrade

During 2010-11, Tourism Division made the final milestone payment for the Wonthaggi State Coal Mine Visitor Centre Upgrade project, which was announced by the Government during the 2007 election. The total value of this grant was $1.5 million; the final payment made during 2010-11 was $0.3 million. The grant recipient was Parks Victoria. The funding agreement for this project was signed
in December 2008 and payments for this project were made over the period from February 2009 to December 2010.

Economic Impact Assessment of the Cruise Shipping Industry in Australia

During 2010-11, Tourism Division provided a grant of $14,850 (including GST) to Cruise Downunder Incorporated as a contribution towards a survey of cruise ship passengers. The funding agreement was signed in March 2011; payment was made in April 2011. This grant was jointly funded by the Commonwealth and States/Territories using funds allocated for implementation of the National Long-Term Tourism Strategy.

(3) Total travel related expenditure for Tourism Division staff in 2010-11 was $288,304.

(4) (i) Total domestic travel expenditure by Tourism Division in 2010-11 was $203,082 – including expenditure of $124,749 on airfares. A detailed breakdown of domestic airfare expenditure by class of travel is not readily available. Domestic air travel undertaken by Tourism Division staff is generally economy class, wherever possible utilising the lowest fare available on the day the travel is booked which suits the practical business needs of the traveller. While SES officers have an entitlement to business class domestic travel, the established practice in Tourism Division is for SES to travel economy class on short flights (e.g. for travel to Sydney and Melbourne).

(ii) Total international travel expenditure by Tourism Division in 2010-11 was $85,222 – including expenditure of $65,503 on airfares. A detailed breakdown of international airfare expenditure by class of travel is not readily available. Employees required to travel on official business overseas are entitled to business class travel on international flights.

Resources, Energy and Tourism: Tourism Division

(Question No. 474)

Mr Baldwin asked the Minister for Resources and Energy, in writing, on 16 August 2011:

In respect of Program 4 of his department in 2010-11:

(1) What are the details of all memberships with organisations that are funded by this program, including the (a) name of the organisation, (b) cost of membership, (c) duration of membership, and (d) reason for membership.

(2) What are the details of all sponsorships, including event sponsorships, funded by this program, including the (a) name of the recipient, (b) cost, (c) duration, and (d) reason.

Mr Martin Ferguson: The answer to the honourable member's question is as follows:

(1) Details of Tourism Division memberships in 2010-11 are provided below.

(a) United Nations World Tourism Organisation (UNWTO)

(b) $319,718 - costs shared between Tourism Division ($164,887) and Tourism Australia ($154,831), as set out in the answer to Parliamentary Question number 479 where Tourism Australia's contribution to the cost of Australia's membership was rounded up to $155,000.

(c) Annual membership

(d) Engagement with other countries on tourism issues, including to influence policy directions and outcomes. UNWTO membership: expands Australia's network of contacts in specialised areas and our knowledge of key international tourism developments; allows access to tourism research and statistical data accumulated by the UNWTO; and facilitates the ability of Australian consultants and research organisations to successfully tender for UNWTO projects.

(a) OECD Tourism Committee

(b) $20,107

(c) Voluntary contribution to the annual OECD Tourism Committee work program.
(d) Engagement with developed countries on tourism issues, including to influence policy directions and outcomes; access to tourism related research and statistical data.

(a) APEC Tourism Working Group
(b) Australia's APEC membership is funded through the Department of Foreign Affairs and Trade.
(c) Ongoing membership
(d) Engagement with regional partners on tourism issues, including to influence policy directions and outcomes; access to tourism related research and statistical data.

(a) Australian Services Roundtable
(b) $550
(c) Annual membership
(d) Stakeholder engagement; access to tourism related research.

(a) Australian Consortium for Social and Political Research Incorporated (ACSPRI)
(b) $1,210
(c) Annual membership for Tourism Research Australia
(d) Participation in non-standard technical courses related to research and statistics.

(a) Council for Australian University Tourism and Hospitality Education (CAUTHE)
(b) $350
(c) Annual membership
(d) Stakeholder engagement, primarily in relation to tourism research.

(2) Tourism Division did not provide any sponsorships during 2010-11.

Home Insulation Program
(Question No. 489)

Mr Oakeshott asked the Minister for Climate Change and Energy Efficiency, in writing, on 16 August 2011:

In respect of the Government's insulation inspection and remediation program, how many inspections have been carried out under the program to date, and how many (a) 'safety-related' payments have been made under the program, (b) problems were identified as 'non-safety', and what was the average estimated cost to individual households to rectify these problems, and (c) problems were identified as 'pre-existing'.

Mr Combet: The answer to the honourable member's question is as follows:

The Australian Government has undertaken safety inspections in over 232,000 homes fitted with insulation under the Home Insulation Program (HIP), as at 31 July 2011.

Inspections and rectification of HIP related safety issues are completed at no cost to the householder.

There have been approximately 24,000 claims for reimbursements made by householders under Stage One of the Foil Insulation Safety Program (Interim FISP). Interim FISP ran from 10 February 2010 to 5 July 2010.

There have been 23,666 non-foil households identified as having pre-existing (that is non-HIP) related safety issues. These issues have been referred to the householder for action.

The cost of rectifying these pre-existing issues is unknown to the Department and is outside the scope of the Home Insulation Safety Program.

On 20 April 2011, I made a policy commitment to continue to notify householders of pre-existing safety issues so they are able to make an informed decision regarding rectification at their own cost.
Home Insulation Program
(Question No. 494)

Mr Fletcher asked the Minister for Climate Change and Energy Efficiency, in writing, on 16 August 2011:

In respect of my letter to him dated 22 April 2010 about a claim of alleged fraud under the Home Insulation Program at a property in Killara, (a) what is the progress of investigations, (b) has any person or entity been charged with an offence, and (c) if fraud has been established, what action has or is being taken to recover monies.

Mr Combet: The answer to the honourable member's question is as follows:

I can advise that the Department of Climate Change and Energy Efficiency is treating all allegations of fraud very seriously.

When allegations of fraud or non-compliance are received (such as the concerns raised by the residents at the Killara property) a review process is conducted to consider both the specifics of the allegation and the profile of the insulation installer to fully assess the matter and inform an appropriate response. Depending on the results of this review, the response may include compliance action, referral to the Australian Taxation Office, or the investigation of the alleged fraud.

It is not the policy of the Department to provide feedback or progress reports on the status of matters undergoing compliance or investigation, as this may compromise the integrity of those processes.

Home Insulation Program
(Question No. 495)

Mr Fletcher asked the Minister for Climate Change and Energy Efficiency, in writing, on 16 August 2011:

In respect of the report made to his department (ref no. 4301199) of an alleged fraudulent claim under the Home Insulation Program in an apartment complex in Turramurra, (a) what is the progress of investigations, (b) what interviews have been conducted, including of the occupants, (c) has any person or entity been charged with an offence, and (d) if fraud has been established, what action has or is being taken to recover monies.

Mr Combet: The answer to the honourable member's question is as follows:

I can advise that the Department of Climate Change and Energy Efficiency is treating all allegations of fraud very seriously.

When allegations of fraud or non-compliance are received (such as the concerns raised by the residents at the Turramurra property), a review process is conducted to consider both the specifics of the allegation and the profile of the insulation installer to fully assess the matter and inform an appropriate response. Depending on the results of this review, the response may include compliance action, referral to the Australian Taxation Office, or the investigation of the alleged fraud.

It is not the policy of the Department to provide feedback or progress reports on the status of matters undergoing compliance or investigation, as this may compromise the integrity of those processes.

Home Insulation Program
(Question No. 496)

Mr Fletcher asked the Minister for Climate Change and Energy Efficiency, in writing, on 16 August 2011:

In respect of the report made to his department of an alleged fraudulent claim under the Home Insulation Program in an apartment complex in Hornsby (referenced in my letter to him dated 5 October
2010), (a) what is the progress of investigations, (b) what interviews have been conducted, including of the occupants, (c) has any person or entity been charged with an offence, and (d) if fraud has been established, what action has or is being taken to recover monies.

Mr Combet: The answer to the honourable member's question is as follows:
I can advise that the Department of Climate Change and Energy Efficiency is treating all allegations of fraud very seriously.

When allegations of fraud or non-compliance are received (such as the concerns raised by the residents at the Hornsby property), a review process is conducted to consider both the specifics of the allegation and the profile of the insulation installer to fully assess the matter and inform an appropriate response. Depending on the results of this review, the response may include compliance action, referral to the Australian Taxation Office, or the investigation of the alleged fraud.

It is not the policy of the Department to provide feedback or progress reports on the status of matters undergoing compliance or investigation, as this may compromise the integrity of those processes.

Home Insulation Program
(Question No. 497)

Mr Fletcher asked the Minister for Climate Change and Energy Efficiency, in writing, on 16 August 2011:
In respect of the report made to his department of an alleged fraudulent claim under the Home Insulation Program in an apartment complex in Hornsby (referenced in my letter to him dated 11 July 2010), (a) what is the progress of investigations, (b) what interviews have been conducted, including of the occupants, (c) has any person or entity been charged with an offence, and (d) if fraud has been established, what action has or is being taken to recover monies.

Mr Combet: The answer to the honourable member's question is as follows:
I can advise that the Department of Climate Change and Energy Efficiency is treating all allegations of fraud very seriously.

When allegations of fraud or non-compliance are received (such as the concerns raised by the residents at the Hornsby property), a review process is conducted to consider both the specifics of the allegation and the profile of the insulation installer to fully assess the matter and inform an appropriate response. Depending on the results of this review, the response may include compliance action, referral to the Australian Taxation Office, or the investigation of the alleged fraud.

It is not the policy of the Department to provide feedback or progress reports on the status of matters undergoing compliance or investigation, as this may compromise the integrity of those processes.

Clean Energy Plan
(Question No. 503)

Mr Baldwin asked the Minister for Climate Change and Energy Efficiency, in writing, on 17 August 2011:
(1) What number of Government advisors is providing supporting documentation for the Clean Energy Plan, what departments do they work for, and what are their salaries.
(2) What sum is allocated for the establishment and/or expansion of the bureaucracy to develop and implement the Clean Energy Plan.
(3) What expenditure has the Government incurred to date for the development of the Clean Energy Plan.
Mr Combet: The answer to the honourable member's question is as follows:

(1) The Plan for a Clean Energy Future (the Plan) contains a number of different policies and programs which are designed to move Australia towards a clean energy future. These policies and programs have been designed and will be implemented across a number of government departments. For the Department of Climate Change and Energy Efficiency, the provision of advice to government leading to policies such as the Plan and developing supporting documentation come under the Department's Program 1.1 (Reducing Australia's Greenhouse Gas Emissions) and Program 1.2 (Improving Australia's Energy Efficiency). Given that the advice that the Department provided to the Government to develop the Plan was a core departmental function, no additional funds were allocated to the Department for this purpose. The Department was allocated funds to run the Multi-Party Climate Change Committee and to run the Garnaut Review Update (including secretariats in both cases), details of which were provided in the Mid-Year Economic and Fiscal Outlook in 2010.


(3) See (1).

Clean Energy Plan
(Question No. 505)

Mr Baldwin asked the Minister for Climate Change and Energy Efficiency, in writing, on 17 August 2011:

(1) What number of Government advisors is providing supporting documentation for the Clean Energy Plan to save the Great Barrier Reef, what departments do they work for, and what are their salaries.

(2) What sum is allocated for the establishment and/or expansion of the bureaucracy to develop and implement the Clean Energy Plan to save the Great Barrier Reef.

(3) What expenditure has the Government incurred to date for the development of the Clean Energy Plan to save the Great Barrier Reef.

Mr Combet: The answer to the honourable member's question is as follows:

Please see the response to Question No. 503.

Farm Exit Grant Package
(Question No. 511)

Mr Forrest asked the Minister representing the Minister for Agriculture, Fisheries and Forestry, in writing, on 18 August 2011:

(1) Is the Minister aware of the department's decision on 10 August 2011 to cease honouring the farm exit grant package previously extended to 30 June 2012.

(2) Will the Minister consider reinstating this package for the many families pre-assessed as eligible by Centrelink and already in the process of selling or awaiting the sale of their farm asset on the strength of this grant offer.

Mr Burke: The Minister for Agriculture, Fisheries and Forestry has provided the following answer to the honourable member's question:

(1) On 10 August 2011 the Government announced the closure of the Exceptional Circumstances (EC) Exit Grant program to all new applicants. As the program guidelines clearly stated the EC Exit Grant program would close on 30 June 2012 or if all funds were expended. Closing the program earlier than anticipated hasn't reduced the number of people assisted; the same numbers of people have been assisted. The Government initially allocated $9.6 million to this program. At the time of closure this had
been boosted to almost $14 million. The Government will continue to stand by farmers, as it did during
the drought and now in a period of improved conditions.
(2) The Government will not re-open the program to new applicants. Anyone who was eligible for
payment under the scheme will have their application assessed in line with the guidelines.

Prime Minister and Cabinet: Senior Executive Service
(Question No. 559)

Mr Briggs asked the Prime Minister, in writing, on 25 August 2011:
How many staff were employed by the Minister’s department in the Senior Executive Service (ie, SES)
on 1 July (a) 2008, and (b) 2011.

Ms Gillard: I am advised that the answer to the honourable member’s question is as
follows:
This information as at 30 June in the years requested is available in:
(1) the Department of the Prime Minister and Cabinet’s Annual Report 2007-08; and
(2) the Department of the Prime Minister and Cabinet’s Annual Report 2010-11.
Both reports are available on the department’s website at

Finance and Deregulation: Senior Executive Service
(Question No. 570)

Mr Briggs asked the Minister representing the Minister for Finance and Deregulation, in
writing, on 25 August 2011:
How many staff were employed by the Minister's department in the Senior Executive Service (ie, SES)
on 1 July (a) 2008, and (b) 2011.

Mr Swan: The Minister for Finance and Deregulation has supplied the following answer
to the honourable member's question:
(a) Refer to the 2008-2009 Department of Finance and Deregulation Annual Report.
(b) Refer to the 2010-2011 Department of Finance and Deregulation Annual Report.

Education, Employment and Workplace Relations: Senior Executive Service
(Question Nos 571, 579 and 580)

Mr Briggs asked the Minister for Tertiary Education, Skills, Jobs and Workplace
Relations and the Minister for School Education, Early Childhood and Youth, in writing, on
25 August 2011:
How many staff were employed by the Minister’s department in the Senior Executive Service (ie, SES)
on 1 July (a) 2008, and (b) 2011.

Mr Garrett: The answer to the honourable member’s question is as follows:
There were 192 Senior Executive Service employees in the Department on 1 July 2008.
There were 177 Senior Executive Service employees in the Department on 1 July 2011.
Innovation, Industry, Science and Research: Senior Executive Service
(Question No. 572)

Mr Briggs asked the Minister representing the Minister for Innovation, Industry, Science and Research, in writing, on 25 August 2011:

How many staff were employed by the Minister's department in the Senior Executive Service (ie, SES) on 1 July (a) 2008, and (b) 2011.

Mr Garrett: The Minister for Innovation, Industry, Science and Research has provided the following answer to the honourable member's question:

(a) The SES figures as at 1 July 2008 can be found in Tables 7 and 8 of the Department of Innovation, Industry, Science and Research Annual Report 2007-08.

(b) The SES figures as at 1 July 2011 can be found in Tables 16 and 17 of the Department of Innovation, Industry, Science and Research Annual Report 2010-11.

Attorney-General: Senior Executive Service
(Question No. 573)

Mr Briggs asked the Attorney-General, in writing, on 25 August 2011:

How many staff were employed by the Minister's department in the Senior Executive Service (ie, SES) on 1 July (a) 2008, and (b) 2011.

Mr McClelland: The answer to the honourable member's question is as follows:

According to the Attorney-General's Department Annual Report 2007-08, on 30 June 2008 there were 78 Senior Executive Staff employed by the Attorney-General's Department.

According to the Attorney-General's Department Annual Report 2010-11, on 30 June 2011 there were 81 Senior Executive Staff employed by the Attorney-General's Department.

Renewable Energy Certificates
(Question No. 610)

Mr Forrest asked the Minister for Climate Change and Energy Efficiency, in writing, on 19 September 2011:

(1) In respect of Renewable Energy Certificates, can he indicate what measures, if any, are in place to protect customers who have paid up-front for solar panels, but not received them because the installer is in receivership.

(2) To qualify for Renewable Energy Certificates, are installers of solar panels required to (a) demonstrate that they have Clean Energy Council accreditation, and (b) lodge a bond or provide surety or insurance to cover any financial or workmanship default.

(3) In the case of Solar Shop Australia, can he indicate whether the Government is requesting that the receivers honour the installation of unfinished works.

Mr Combet: The answer to the honourable member's question is as follows:

(1) The Renewable Energy Regulator (the Regulator) and the Office of the Renewable Energy Regulator (ORER) were established by the Howard Government in 2001, under the Renewable Energy (Electricity) Act 2000, to administer the Renewable Energy Target (RET) scheme. The RET is not a Government rebate scheme and does not provide public funds. The RET provides for registered persons to create certificates and sell those certificates privately to liable parties. There is no role for the Regulator or the ORER in settling the sale of these certificates or monitoring contracts which relate to those certificates.
The RET does not prescribe the market models employed by participants. The onus is on contractual parties to undertake their own due diligence around the ability and commitment of their counterparty to abide by contractual conditions. As the Regulator and the ORER have no enforcement powers in relation to market conduct or enforcing contracts, their standard practice is to advise anyone with an issue about marketing or payment issues to contact their relevant Fair Trading Office, the Australian Competition and Consumer Commission or the Australian Securities and Investments Commission as appropriate to the complaint. This advice was given to all those who contacted the ORER. In the case of companies that are in receivership or administration they should also contact the appointed receiver or administrator.

Once the Clean Energy Future legislation is passed, the RET will be administered by the Clean Energy Regulator which will have additional powers to deal with this type of behaviour. In particular, the Clean Energy (Consequential Amendments) Bill 2011 includes specific provisions to increase the Regulator's powers to refuse registration or suspend registration.

(2) (a) Yes, to be eligible to create certificates for solar panels systems under the RET they must be installed and designed by a Clean Energy Council (CEC) accredited installer. The CEC installer must also sign a range of written statements before certificates can be created, including a written statement that they installed the system to meet the requirements of the local/state/territory government, that they completed the installation along with their CEC accreditation number. Further details are available on the ORER website at: www.orer.gov.au/sgu/index.html.

(b) There is no requirement in the RET scheme that the installer must have surety or insurance to cover any financial or workmanship default. However, there are requirements as part of their CEC accreditation to have insurance requirements including Certificate of Currency/Proof of Public Liability Insurance cover that have a minimum $5 million coverage.

(3) As stated in the response to part (1), the ORER does not have legal power to intervene in contractual matters. This is a matter for the contracted parties and the receivers.

McEwen Highway
(Question No. 662)

Mr Katter asked the Minister for Infrastructure and Transport, in writing, on 13 October 2011:

Does the Government have plans to upgrade the McEwen Highway to include making it multi-lane; if so, by what date.

Mr Albanese: The answer to the honourable member's question is as follows:

The McEwen Highway, which forms a section of the Gregory Developmental Road, is part of the state road network and is therefore the responsibility of the Queensland Government.

I understand the Queensland Government has a widening program in place for the highway and additional reconstruction works are to be carried out on flood damaged sections through the National Disaster Relief and Recovery Arrangements.

Radioactive Waste Management Facility
(Question No. 688)

Mr Forrest asked the Minister for Resources and Energy, in writing, on 13 October 2011:

(1) Is the Proposed Commonwealth Radioactive Waste Management Facility, Northern Territory: Transport Assessment Report (Parsons Brinckerhoff Australia Pty Ltd and the Department of Resources, Energy and Tourism, 13 March 2009) the most recent publication on this topic; if not, what is, and from where is it available.
(2) Can he confirm reports that his department has recommended that radioactive waste be transported from Sydney to a proposed Northern Territory waste management facility along highways through the Murray Valley, including Mildura; if so, (a) why is the Murray Valley and Sturt Highway route through Mildura preferred over a more direct and quieter route from Sydney via Broken Hill and Peterborough in South Australia, and (b) would he consider using rail transport instead.

Mr Martin Ferguson: The answer to the honourable member's question is as follows:

(1) The Parsons Brinckerhoff report commissioned in 2006 is the most recent publication on this topic.
(2) The Parsons Brinckerhoff report puts forward a range of possible transport options to potential Commonwealth radioactive waste management facility sites then under consideration by the Howard Government. The Department has made no recommendation on transport routes and is not in a position to do so given that a national radioactive waste management facility site has not yet been selected and the site subjected to regulatory assessment.