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**SITTING DAYS—2014**

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FORTY-FOURTH PARLIAMENT
FIRST SESSION—FOURTH PERIOD

Governor-General
His Excellency General the Hon. Sir Peter Cosgrove AK, MC (Retd)

House of Representatives Office holders
Speaker—Hon. Bronwyn Kathleen Bishop MP
Deputy Speaker—Hon. Bruce Craig Scott MP
Second Deputy Speaker—Mr Robert George Mitchell
Members of the Speaker’s Panel—Mrs Karen Lesley Andrews MP,
Mr Russell Evan Broadbent MP, Mr Alexander George Hawke MP,
Mr Ian Reginald Goodenough MP, Mrs Natasha Louise Griggs MP,
Mr Ewen Thomas Jones MP, Mr Craig Kelly MP, Hon. Charles Christian Porter MP,
Mr Donald James Randall MP, Mr Ross Xavier Vasta MP, Mr Brett David Whiteley MP

Leader of the House—Hon. Christopher Pyne MP
Deputy Leader of the House—Hon. Luke Hartsuyker MP
Manager of Opposition Business—Hon. Anthony Stephen Burke MP
Deputy Manager of Opposition Business—Hon. Mark Dreyfus QC MP

Party Leaders and Whips
Liberal Party of Australia
Leader—Hon. Anthony John Abbott MP
Deputy Leader—Hon. Julie Isabel Bishop MP
Chief Government Whip—Hon. Philip Maxwell Ruddock MP
Government Whips—Mr Scott Buchholz MP and Ms Nola Bethwyn Marino MP

The Nationals
Leader—Hon. Warren Errol Truss MP
Deputy Leader—Hon. Barnaby Thomas Gerard Joyce MP
Chief Whip—Mr Mark Maclean Coulton MP
Deputy Whip—Mr George Robert Christensen MP

Australian Labor Party
Leader—Hon. William Richard Shorten MP
Deputy Leader—Hon. Tanya Joan Plibersek MP
Chief Opposition Whip—Mr Christopher Patrick Hayes MP
Opposition Whips—Ms Jill Griffiths Hall MP and Ms Joanne Catherine Ryan MP

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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; NATS—The Nationals; IND—Independent; NATSWA—The Nationals WA; CLP—Country Liberal Party; AUS—Katters Australia Party; AG—Australian Greens; PUP—Palmer United Party

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Each box represents a portfolio. **Cabinet Ministers are shown in bold type.** As a general rule, there is one department in each portfolio. However, there is a Department of Human Services in the Social Services portfolio and a Department of Veterans' Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
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The SPEAKER (Hon. Bronwyn Bishop) took the chair at 10:00, made an acknowledgement of country and read prayers.

PETITIONS

Dr JENSEN (Tangney) (10:01): On behalf of the Standing Committee on Petitions, and in accordance with standing order 207, I present the following petition:

**Climate Change**

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

This petition of the Citizens of Australia draws to the attention of the House the long term risks of Climate Change to Australia and the world and the risk of delaying aggressive action.

We therefore ask the House to:

- Establish emission targets out to 2050 that, as part of a world wide effort, can maintain a global temperature increase of less than 2 degrees
- Ensure targets reflect our high contribution to the problem.
- Establish a bi-partisan roadmap to achieve those reductions.
- Ensure savings are achieved in Australia, not via overseas offsets

Petition received.

PETITIONS

Responses

Dr JENSEN (Tangney) (10:01): Ministerial responses to petitions previously presented to the House have been received as follows:

**Genetically Modified Crops**

Dear Dr Jensen

I refer to your letter of 1 October 2014 concerning Petition 833/1300 on the use of pesticides and GM crops and their impact on public health.

The issues raised in the petition are more appropriately addressed by the agriculture and health portfolios, rather than the environment portfolio. The Minister for Agriculture, the Hon Barnaby Joyce MP, replied to you on behalf of the Australian Government on 26 March 2014.

Thank you for writing on this matter. Yours sincerely

From the Minister for the Environment, Greg Hunt

PETITIONS

Statements

Dr JENSEN (Tangney) (10:01): In addition to its primary role of considering petitions submitted to the House, from time to time the Petitions Committee holds public hearings with principal petitioners and representatives of government departments to discuss petitions and ministerial responses. These hearings are an excellent opportunity for petitioners to expand on the terms of the petitions—which are limited by standing orders to 250 words—and to share their experiences of the petitions process. In cases where a ministerial response has been received, government representatives can also elaborate on the response. As public hearings,
people in the local area can attend these sessions and learn more about the petitions subject matter and the petitions process. The transcript is also subsequently made publically available on the committee’s website.

However, this is not to say that the committee is taking on an advocacy role on the subject matter of specific petitions. While there will be certain topics that will resonate with some members of the committee, the committee’s role is to facilitate the presentation of petitions to the House and their referral to ministers. The committee does not investigate details of petitions, grant petitioners’ requests, make recommendations to the government on the topic or advocate for petition outcomes.

As well as being a worthwhile forum for petitioners, the committee also finds public hearings useful. While it is not always possible for ministers to grant the requests made by petitioners, it is always interesting to hear about petitioners’ experiences of the petitions process and their thoughts on the value of the process.

Since my last statement, the committee has held two public hearings on petitions: the first on 29 October in Canberra and the second on 19 November when the committee travelled to Brisbane to hear from a number of petitioners. On 29 October, the committee met with the Assistant Minister for Defence and representatives of the Department of Defence to discuss a petition. At the hearing on 19 November the Committee then heard from the principal petitioner and other former servicemen to discuss this petition. While the request in the petition was not granted as part of the petitions process, the petitioners had the opportunity to have their say in a public forum, and the Australian public now has much more information available to it about both sides of the issue.

At the hearing in Brisbane a range of interesting topics were covered in the petitions, but what I will mention today are some of the themes that emerged when the petitioners commented on their experiences of the petitions process. One clear theme that emerged from the hearing was the fact that petitions allow ordinary citizens to have their say. For example, one petitioner told the committee that petitions give ordinary citizens an avenue through which they can address any level of government and that this is one of the key strengths of the petitions system.

Another theme which emerged was the sense of empowerment that citizens can feel as a result of organising or signing a petition. One petitioner told the committee that his organisation sent copies of a petition to churches around Australia, and that these churches encouraged parishioners to sign. He explained that, because many of them were pensioners or on fixed incomes, their ability to provide direct, financial assistance to causes they support is very limited. However, by signing a petition requesting the House take action, these parishioners felt empowered by doing something to show their support for the cause.

The committee also received similar evidence from another petitioner, who has been actively campaigning for a long time. It was very interesting for the committee to hear about their efforts in petitioning the House as one of many avenues of advocacy undertaken on their issue. This petitioner told the committee that their petition helped signatories find a collective voice and then draw that voice to the attention of the House. Furthermore, their petition had received a response from the responsible minister in which the minister stated their intention to hold a roundtable discussion on the issues raised in the petition. At the hearing, the petitioner told the committee that the government's roundtable brought together a range of
activists and helped them to coordinate their efforts. As a result, these activists established a network for keeping abreast of developments, and this network has commenced making a documentary to complement their other forms of activism.

At the hearing on 19 October, the assistant minister also commented positively on the petitions process and the committee's ability to hold hearings, noting that it was an excellent example of democracy in action.

As you can see, Madam Speaker, the ability to petition the House is an important part of the political landscape in Australia. The dedication of the petitioners at the hearing has impressed the committee. It was very encouraging to see the passion and commitment they brought to their work. On behalf of the committee, I would like to thank everyone who has engaged with the House petitions process and to encourage Australians to learn about how they can use this process to express their views and seek change on issues important to them.

The committee looks forward to opportunities to meet with other principal petitioners, in different regions of Australia, in the future. Thank you.

**COMMITTEES**

**Education and Employment Committee**

Report

Mr EWEN JONES (Herbert) (10:08): On behalf of the House of Representatives Standing Committee on Education and Employment, I present the report of the committee entitled *TAFE: an Australian asset*, together with the minutes of proceedings and evidence received by the committee.

On 24 February 2014 the Minister for Industry asked the committee to inquire into and report on the role of the technical and further education system and its operation. In undertaking this inquiry, the committee continued the work of the education and employment committee of the previous parliament, although with slightly revised terms of reference.

The TAFE sector is the largest education and training provider in Australia, with 61 government-owned institutes and university TAFE divisions. TAFE is also a major public provider of vocational education and training, or VET, accounting for just over 70 per cent of equivalent full-time VET students in 2010.

The committee has spent the best part of this year taking evidence on TAFE, and this report is the culmination of the committee's work. The report considers the commonwealth's involvement in VET; the development of skills in the Australian economy; the pathways that TAFE provides to employment and university; and TAFE's place in the competitive VET market.

Wherever the committee went, strong support was expressed for TAFE's role in vocational education and training, both during formal evidence and more informally. Our report acknowledges the positive impact that TAFE can have on people's lives and the critical role that TAFE plays in the Australian community.

Yet there is no foundational statement in the Council of Australian Governments framework that recognises the crucial importance of TAFE in the VET sector. The committee recommends that the Australian government should make such a statement through COAG defining the role of TAFE within the sector and acknowledging the unique functions that
TAFE can contribute. The statement should also set the future direction of TAFE in the competitive training market, and recognise that the affordability and accessibility of this market is underpinned by a strong public sector provider.

As the major public provider of vocational education and training, TAFE plays a vital role in the development of skills for the Australian economy. A broader issue that emerged here was the wide variability of training quality in the VET sector—something noted last year by the Australian Skills Quality Authority (ASQA) in its review of the important aged and community care training sector. The committee recommends that this be addressed, either through increased prescription and precision around national training packages, or through the development of measures for assessing skills acquired.

A range of evidence, including the committee's online survey and personal stories, highlighted TAFE's importance as a provider of pathways to employment and university. Related to this is TAFE's significant role as a provider of opportunities for those in positions of disadvantage and vulnerability. TAFEs are often the main provider of VET for those in remote and rural areas, and have a higher ratio of disabled and disadvantaged students compared to private providers. For those who are disadvantaged or vulnerable, TAFE can be life-changing: its courses can help people to gain confidence and skills and can lead to better employability and access to mainstream education.

This important function is a particular issue for TAFE—one of several—as it operates in the competitive training market, and the committee recommends that the Australian government should seek to ensure that VET funding takes into account TAFE's role in providing opportunities for those in positions of disadvantage or vulnerability.

Another factor for the TAFE sector in the competitive market is the level of capital investment TAFEs require. The committee was particularly interested in the capital costs needed to run some TAFE courses such as those requiring large lathes, computer-programmed sheet metal cutters and 3D printers. It is concerning that the current Australian government VET funding structure does not appear to take these capital requirements into account. Capital costs should be taken into account, and the committee recommends accordingly.

Over the course of its inquiry the committee became aware of poor marketing practices in the VET sector and other practices of concern such as the collection of fees in advance. The committee is encouraged by ASQA's recent work in this area, and recommends that the Australian government should continue its current actions through ASQA and other regulators to address loopholes that allow high-risk and unscrupulous practices.

The committee also heard that Australian government VET funding provided for TAFE via the states and territories is not currently quantified at the federal level. This is unsatisfactory, and the committee recommends that reporting should be put in place to capture the exact federal financial contribution made to TAFE.

I would like to thank everyone who participated in this, and the secretariat. The committee also appreciated the positive engagement of the TAFE sector itself—Hunter TAFE in Newcastle, Regency TAFE in Adelaide, Central TAFE in Perth and the Barrier Reef Institute of TAFE in Townsville.

I commend the report to the House.
Report made a parliamentary paper in accordance with standing order 39(e).

Ms MacTIERNAN (Perth) (10:13): Likewise, I thank all who have been involved in the preparation of the committee's report. The report very clearly reaffirms the centrality of government providers in the vocational education and training sector. While recognising there are shortcomings in the TAFE system across the states and territories, the overwhelming weight of evidence of this inquiry leads us to conclude that affordability, accessibility and investment in innovation in the trade training market must be underpinned by a strong, stable public-sector provider with institutional knowledge and a capacity for long-term investment.

I quote the evidence of Anthony Kittel, the driving force behind the award-winning South Australian company REDARC Electronics that is showing that, with a commitment to R&D and the dedication of staff, Australia can manufacture and sell into the globally competitive market. Mr Kittel said:

My concern is that we are going to this privatisation model and we will lose that long-term relationship we have developed with a provider that has got the facilities and the capital equipment to be able to provide for our needs.

…

… my experience with private providers is that they are short term. They win a contract and they are gone tomorrow.

…

For us to remain competitive, for a long-term goal, we need those foundation skills maintained in an entity like TAFE.

He goes on to say:

My experience over 17 years of running my own company is that private providers will do everything possible to get that course down the shortest amount of time. I can come in tomorrow and borrow someone else's course, but I will not deliver the quality that I would if it was my normal day-to-day job and I was doing over a large number of people and had the ability to upskill myself to deliver that training.

I congratulate REDARC for recently winning the Telstra Business of the Year award.

Of course, there are challenges in the TAFE sector. We had some very interesting evidence from South Australia—this time the Australian Submarine Corporation. They told us that TAFE was considered a vital contributor to their workforce and that TAFE had delivered approximately 56 per cent of total trainees that the air warfare destroyer workforce has undertaken. Mr Hamilton stressed that we need a VET system that ensures 'graduates are technologically malleable and are thereby able to rapidly assimilate new technology and procedures'. Mr Hamilton expressed concern that TAFE was using equipment that was out of date. With the rate of technological change in the manufacturing sector, equipment needs to be turned over much more than every 20 years. In Germany it is more like five years. The TAFE sector needs to look at leasing rather than buying equipment in order to help deal with this problem. The Minerals Council pointed out some of the rigidities in pay scales in TAFE that prevented people with skills in high demand from being paid differently—and others in the industry agreed with that—and the need to ensure that staff have contemporary industry experience.

The committee inspected provisions around the state, as the chairman said, including WA Central TAFE. The facilities we saw were fantastic, including the mine simulator that uses an
old sewer viaduct and enables shot-firer and rock-driller trainees to learn not only the skills required but also whether they can deal with the physical issues of working underground.

I commend the evidence presented by the principal and VET instructors at Morley Senior High School. This school has been an RTO for the past decade and has a profound understanding of the benefit of introducing serious trade training in schools. In the adolescent oriented environment of a school, students can be introduced to a variety of trade and get a sense of the trade or industry they are suited to. They then can complete pre-apprenticeships in the secure environment of the school. This reduces the very high attrition rate of kids who leave school at 15 and 16 to start a trade from scratch. It offers as much better use of time at school for those students and ensures that there is less wasted investment by employers and TAFE. I support the need for us to look very closely at the skills that are being attained. I would urge ASQA and its WA counterpart to become much more active in monitoring whether those students being assessed as having skills actually have them. We have students facing much higher fees and, indeed, they are now having to borrow to fund these courses under the HELP scheme. It is more important than ever that we impose real quality control on those we allow to deliver this training.

The SPEAKER: The time allotted for the statements on this report has expired. Does the member for Herbert wish to move a motion in connection with the report to enable it to be debated on a later occasion?

Mr EWEN JONES (Herbert) (10:18): I move:

That the House take note of the report.

The SPEAKER: In accordance with standing order 39(c), the debate is adjourned. The resumption of the debate will be made an order of the day for the next sitting.

Reference to Federation Chamber

Mr EWEN JONES (Herbert) (10:18): I move:

That the order of the day be referred to the Federation Chamber for debate.

Question agreed to.

BILLS

Gambling Harm Reduction (Protecting Problem Gamblers and Other Measures) Bill 2014

First Reading

Bill—by leave—and explanatory memorandum presented by Mr Wilkie.

Bill read a first time.

Second Reading

Mr WILKIE (Denison) (10:20): I move:

That this bill be now read a second time.

This bill would see that mandatory pre-commitment is implemented for all poker machines in Australia, that one-dollar-maximum bets were introduced, that a withdrawal limit of $250 was imposed on all automatic teller machines and EFTPOS devices in poker machine venues, that jackpots were restricted on poker machines throughout the country to $500, that the
maximum banknote that can be inserted into any poker machine at any one time would be $20, and that the maximum credit that any poker machine could accrue would be $20.

The timeline for these reforms is that all machines sold must be capable of complying with all of the above by 31 December 2015 and that all machines sold must comply with all of the above criteria by 31 December 2019. Moreover, venues with five or more poker machines must be compliant by 31 December 2019, but there is consideration for smaller venues and the limited resources that they have, so that the venues with five or fewer poker machines would need to be compliant by 31 December 2021—an extra two years.

My private member’s bill is entirely consistent with the work of the Productivity Commission and, importantly, is consistent with the recommendations of the Productivity Commission in 2010, when it brought out this very hefty report—in fact, its second substantial report into poker machines and problem gambling in Australia. Regrettably, this report was released in 2010 on the day that Julia Gillard became Prime Minister at the expense of Kevin Rudd, and those dramatic political events that day greatly overshadowed what is and what remains Australia’s benchmark inquiry and benchmark blueprint for gambling reform—the best we have ever seen. It is a shame that in 2010 that very good work by the Productivity Commission was overshadowed in the way it was. It remains the blueprint and the best guidance for the way ahead to deal with problem gambling, in particular from poker machines.

Obviously, poker machine reform was a big issue in the 43rd parliament, and some of the spotlight has gone off it in this parliament. But mark my words: poker machine problem gambling remains just as serious a problem in the Australian community as it ever has been, and there is just as much pressure in the community for reform—just as much expectation that people like ourselves in this place and in the other place will finally do something to diminish problem gambling in this country.

The fact is that something approach 100,000 Australians are poker machine problem gamblers. And they are losing in the order of $5,000 million a year. In fact, the Productivity Commission found that something like 600,000 Australians are playing poker machines on a weekly basis. Something like 15 per cent of those people are poker machine problem gamblers, and another 15 per cent are at risk of becoming poker machine problem gamblers. In other words, more than half a million Australians play the pokies every week, and almost a third of them are poker machine problem gamblers, or at risk of becoming problem gamblers. So, why on earth is it so hard to get reform in this place? Truly, it beggars belief that when we have a problem as serious as this there is complete and utter disregard in this place for the cost to the community.

Those approximately 100,000 poker-machine problem gamblers—yes, it is a big figure, but it is not just a figure. Every one of those nearly 100,000 Australians is a human being with a very human story. They are all losing more money than they can afford. As a direct result of that, some of them are losing their relationships with their families, some of them are losing their jobs and some of them are losing their houses. Some of them are pinching from the till in their workplaces, and their employers are in financial difficulty because of these thefts. At the very worst, some of those people are taking their own lives. They are taking their own lives because they can no longer live with the cost to them of poker-machine problem gambling.
And what has this place done about it so far? Nothing. Absolutely nothing. The only reason we had the prospect of some reform in the previous parliament was that the then Prime Minister and the then government were forced by the challenges of a power-sharing parliament to sign a deal for meaningful poker machine reform. But what did previous government do the first opportunity it got, as soon as it could move Peter Slipper into the Speaker's chair—as soon as it had the numbers? It ditched those reforms. That will be forever a shameful black mark against the Labor Party and the other people concerned in the 43rd parliament.

But I tell you what, Mr Deputy Speaker Vasta: no-one is covered in glory in this place on this matter, because, as soon as there was a change in government and the Liberal-National coalition came to power, what did they do? They overturned the modest reforms that we did get in the previous parliament, the very modest reforms that the Labor Party was forced to implement if only because of the public pressure that had built up over that period of time. What did the new government do? It overturned those reforms. How did the new government get the overturning of those reforms through the Senate? With the support of the Labor Party.

I am going through the history of this because the Australian community needs to understand and needs to be reminded that the Australian parliament and the major parties have consistently let the community down when it comes to meaningful poker machine reform. After all of the carrying-on in the 43rd Parliament and the repeal of the reforms in this parliament, what are we left with? Nothing—absolutely nothing. There has been no action by the Australian parliament to clamp down on a dangerous product that is adversely affecting about 100,000 people. By the way, the research shows that, for every one of those 100,000 people who are poker-machine problem gamblers, between five and 10 other people are affected. Their mums, their dads, their brothers, their sisters, their sons, their daughters, their friends, their work colleagues, their employers: they are all adversely affected. In other words, there could be a million people in this country adversely affected by poker-machine problem gambling. But what is this parliament done? Nothing—and that is to the enduring shame of this place and the people that have populated this place during the 43rd and the 44th Parliaments.

I am pleased that my colleague the member for Melbourne is here to second this bill and I applaud the Greens for being the only other party that has covered itself in any glory when it comes to pushing for the need for poker machine reform. I thank the member for Melbourne.

The industry thinks it has won this fight. Mark my words, Mr Deputy Speaker: the industry has not won this fight. Yes, it has paid off the Liberal Party. Yes, it has paid off the Nationals. Yes, it has paid off Labor. They are all on the take; they all take general donations from the poker machine industry. In fact, the Labor Party even operates poker machine venues in the ACT. They are all on the take. Why, at the time the 43rd Parliament was considering these matters, Packer gave Katter's party hundreds of thousands of dollars, and no-one batted an eyelid: 'What's unusual about that?' The fact is we have a cruel and dishonest industry trading on the misery of Australians, and just about all of the parties are in cahoots with the industry and on the take. That is how we find ourselves in these circumstances.

Again, mark my words, Mr Deputy Speaker Vasta: reform is coming, because a wrong like this in the community has never been allowed to go on forever. Sooner or later, a government with a bit of backbone, with a bit of integrity, will come along and it will drive reform. It will
be the community that will make that happen because the community will keep insisting that this place finally do something to help those people and to stop people taking their lives. Change will come eventually; it is just a matter of when. I encourage the community to keep up the good fight.

In closing, I commend my bill to the House. I would like to thank a member of my staff, Alex Moores, who has done a really good job on crafting what I think will be an exemplar for poker machine reform in the future.

**The DEPUTY SPEAKER (Mr Vasta):** Is the motion seconded?

**Mr Bandt:** I second the motion.

Debate adjourned.

**Tax Laws Amendment (Tax Transparency) Bill 2014**

Bill and explanatory memorandum presented by **Dr Leigh**.

Bill read a first time.

**Second Reading**

**Dr LEIGH** (Fraser) (10:31): I move:

That this bill be now read a second time.

In the tax evasion trial of Leona Helmsley, a prominent American businesswoman from the 1970s and 1980s, a former housekeeper testified that she heard her employer say, 'We don't pay taxes. Only the little people pay taxes.'

These 'little people' are the hardworking men and women of Australia.

For too long, the 'little people' have been forced to pick up the slack left behind by large multinationals with complex accounting arrangements.

For too long, large multinationals have been able to hide behind a veil of secrecy.

For too long, Australians have been left in the dark on the issue of multinational profit shifting.

Now, for the first time, Australians will know which companies are paying their fair share of tax.

Companies which follow the rules have nothing to fear from opening their books to the Australian public.

Once and for all, this bill before the House today will provide a comprehensive set of figures on how much companies are earning and how much tax they are paying.

Recent reports pointing to large-scale instances of multinational profit shifting and tax avoidance suggest that this information is needed now more than ever.

Greater information disclosure will allow for a more informed public debate, creating an environment for better policy development.

At the same time, improved transparency promotes trust and credibility in our taxation system while discouraging large multinationals from engaging in aggressive tax avoidance practices.

**Multinational profit shifting**
A fair, competitive and sustainable tax system is critical for the future prosperity of any nation. Australia’s tax system raises the revenue that government requires to provide the quality public goods and services needed by the community.

The apparent ease with which some large corporate and multinational entities can shift taxable profits and erode a country’s tax base is a shared concern for the G20 and most OECD countries.

Businesses that aggressively exploit tax loopholes gain an unfair advantage over their competitors. If a few large companies use loopholes to avoid paying their fair share of tax, a greater taxation burden is placed on the less well-off and vulnerable in our community.

Multinational tax avoidance poses a serious threat to the sustainability of our corporate taxation base.

Today, Apple, Microsoft and Google are three of the five biggest companies in the world and a large part of their wealth is derived from intellectual property. That allows companies to do business in countries without setting up a permanent establishment that would give rise to income tax liability.

In such an increasingly globalised economy, domestic tax laws have not kept pace with the rise of multinational corporations, the digital economy and mobile capital.

That has created gaps that can be exploited by companies who avoid taxation in their home countries by shifting activities overseas to low-tax or no-tax jurisdictions.

Unless serious action is taken, the sustainability of our future tax base is at risk.

**Labor's record on multinational tax avoidance**

Labor has a proud record on reducing multinational tax avoidance. When in office, Labor laid out a comprehensive package of tax measures that at the time, we estimated, would have prevented over $4 billion in government revenue being moved offshore.

Guided by the value of fairness, we put in place measures to make sure multinational companies paid their fair share of tax.

We understand that when large multinationals pay less tax it means families and Aussie small businesses have to pay more.

That is why strengthening taxation arrangements around multinational companies was an important focus for Labor in government.

The current Treasurer himself has even described this set of reforms as world class.

Labor doesn't just talk about increasing transparency. We acted to increase transparency.

**The coalition's failure to act on multinational tax**

The Irish finance minister Michael Noonan recently announced that Ireland would put a stop to 'double Irish Dutch sandwich' tax arrangements.

These complex arrangements involve companies transferring money between subsidiaries registered in Ireland and European Union countries such as the Netherlands.

But while the Irish government is closing tax loopholes, Treasurer Hockey has reopened significant tax loopholes in Australia.
Indeed, one of Treasurer Hockey's first acts in office was to roll back Labor's measures to tackle profit-shifting—effectively handing, on a platter, $1.1 billion back to big global firms. That's money that could have gone to helping struggling families with cost of living pressures, or improving our schools and our hospitals.

But the Treasurer wasn't finished. He then pushed back the start date for Australia's implementation of key global tax transparency measures that were recently negotiated through the G20.

Ironically, Treasurer Hockey himself has extolled the virtues of greater transparency.

In a speech on 20 September, the Treasurer declared, 'Supporting greater tax transparency and information exchange is our best weapon to crack down on tax avoidance and evasion right now.'

And yet, while the rest of the world’s major economies start sharing important information on company tax in 2017, Australia will sit on the sidelines.

At the same time, the Treasurer has slashed hundreds of millions from the Australian tax office’s budget—sacking thousands of people who are on the front line in making sure wealthy individuals and companies are pulling their weight when it comes to tax.

A report by Michael West in the Fairfax press today refers to a former ATO official who has left the service of the ATO and was speaking about how debilitated that agency has become as a result of these cuts. Because every dollar invested in staff generates between $1 and $6 in revenue, cutting hundreds of millions of dollars out of the ATO could lose us a billion dollars in unpaid tax.

And, while he is willing to talk the talk on multinational profit shifting, Mr Hockey has been all bluff and bluster on the policy front. You have to look at what the Treasurer does, not what he says. Zero new revenue means zero new action.

The bill

But this private member's bill, provides an opportunity for the Treasurer to act, rather than just give nice speeches with snappy slogans.

Labor is opening the books of Australia's largest companies to find out how much they are earning, and how much tax they are paying.

This bill brings forward the implementation of previous Labor tax legislation.

That legislation required the tax commissioner to publish how much a company earns and how much tax it pays for firms that return a total income of $100 million or more.

Under current law, that measure will apply to the 2013-14 financial year.

As a result, that information will not become available until late in 2015. Passing of this bill will bring that forward a year, so we can allow that information to flow immediately.

Why are we bringing it forward?

With so much speculation and concern about how much tax multilateral companies pay, we need hard numbers to better inform the policy debate.

In fact, the coalition too seem to want more accurate tax information. During the most recent supplementary budget estimates, Senator Cormann said, 'It's very important for these sorts of debates to be properly informed.'
And yet the Abbott government has threatened to scrap Labor's existing tax transparency measures entirely. Former Assistant Treasurer Sinodinos told The Australian Financial Review in January, 'We don't want to get into a situation where we're putting more and more information out there.' Labor disagrees.

If the recent PwC 'Lux leaks' tell us anything, it is that greater transparency in taxation is needed now more than ever. Passing this bill will deliver that.

**Conclusion**

Large multinational companies that use complex arrangements to avoid paying their fair share of tax should not be able to hide behind a veil of secrecy.

Australian consumers have a right to know what contribution firms make to Australia's tax base.

Labor is committed to ensuring that large multinational companies pay their fair share of tax.

We understand that in a fast-moving business environment, Australia's tax rules need to adapt and change to keep pace. We will always be guided by what is fair—for big firms, small businesses and ordinary workers.

We want to tackle corporate tax avoidance so that local and international businesses can compete on a level playing field. Transparency is one of the key weapons against multinational tax avoidance.

As the saying goes, you can have your own opinions but not your own facts. Labor want to get the facts out there and we want to get them out there earlier—not for 2013-14, as existing law mandates, but for the 2012-13 financial year, which will allow the Australian Taxation Office to allow information to flow immediately.

So while the Prime Minister and the Treasurer will keep working to open corporate tax loopholes, Labor will keep on working to shut them down.

The choice for the Abbott government is clear—if they want tax transparency and an informed debate, they will support this private member's bill.

**Ms Brodtmann:** I second the motion.

Debate adjourned.

**PRIVATE MEMBERS' BUSINESS**

**East West Link**

**Ms HENDERSON** (Corangamite) (10:41): I rise to move a motion concerning the East West Link, one of the most important infrastructure projects in Victoria's history. I move:

That this House:

(1) recognises that:

(a) the Australian Government will contribute $1.5 billion towards the completion of the western section (Stage Two) of Melbourne's East West Link;

(b) the commitment to Stage Two of the East West Link is in addition to the Commonwealth's $1.5 billion contribution towards the $6 to $8 billion Stage One section of the East West Link; and
(c) together, Stage One and Stage Two will create some 6,700 construction jobs which are so important for Melbourne, Geelong and south-west Victoria; and

(2) notes that the:

(a) East West Link is critical to:

(i) easing congestion on the West Gate Bridge and improving Geelong's transport links to Melbourne;

(ii) easing congestion on the Eastern Freeway and alleviating major traffic bottlenecks at Hoddle Street and Alexandra Parade; and

(iii) improving freight efficiency and connections for major industries in Melbourne's outer east, north and south east to the Port of Melbourne and international airports;

(b) East West Link will never happen under a Labor Government—state Labor opposes the project despite estimates that the cost of Melbourne's road congestion will grow to $5 billion per annum by 2021 and $7.2 billion by 2031, more than double current levels; and

(c) Victorian Leader of the Opposition has described the East West Link as a 'grand hoax' and has threatened to rip up any contracts that are signed in respect of the project and in doing so, has shown contempt for the people of Victoria.

The East West Link is vital to Victoria, vital to Geelong and vital to Corangamite, the electorate I proudly represent. Often, governments are accused of not having vision, of not thinking long term. Here is yet one more project which reflects the Victorian government's long-term vision for our great state: its long-term commitment to investment in transport infrastructure. As I have mentioned, the federal government is proudly backing this project, to the tune of $3 billion, building the roads of the 21st century—money which will be lost, of course, if state Labor is elected on Saturday.

I note we have a very proud Geelong delegation in the House gallery today, all of whom are backing the East West Link because they know how important this is for our region. They know how important it is for jobs, for our future, for our economic prosperity, at a time when every job in our city is important. Darryn Lyons, the mayor of the City of Greater Geelong, is here. Deputy Mayor Bruce Harwood; the CEO, Gill Miles; Kylie Warne and Bernadette Uzelac from the Geelong Chamber of Commerce; Elaine Carbines, representing G21; and, just so as to not miss anyone out, the former member for South Barwon Alistair Paterson are all here. All are backing the East West Link because they know how important it is.

Look, in contrast, at Daniel Andrews. He is no John Brumby; he is no Steve Bracks. That is quite clear. His commitment to tear up the contracts for the East West Link and shut this project down is one of the most politically reckless, economically destructive actions of any political leader we have seen. Ripping up contracts will expose the state to millions of dollars of liability and signal to the rest of the country and the world that we cannot be trusted when they are doing business with us.

Today I want to focus on the benefits of the western section to Geelong and my electorate of Corangamite. Under a Napthine government, construction will start at the end of 2015. At the moment, some 14,000 Geelong motorists commute to Melbourne every day for work. From Werribee onwards, it is a quagmire. The western section will save commuters three hours a week in travel time, it will deliver a second river crossing and it will unblock the terrible quagmire—the carpark—we see leading up to West Gate Bridge. The West Gate....
Bridge is currently terribly congested, carrying some 200,000 vehicles a day, and the new western section will provide capacity for around 100,000 vehicles per day.

As we in Geelong know, it is all about jobs. Here is one of the most important projects for jobs we have seen in many years—6,700 jobs. The western section alone will create 3,000 jobs. We in Geelong need these jobs. These are jobs that Labor is trying to shut down. Frankly, it is an absolute disgrace. Two weeks ago I was very proud to stand side by side with the member for South Barwon, Andrew Katos, and with local candidates in the Geelong region—Paula Contelj in Geelong, Ron Nelson in Bellarine, Tony McManus in Lara—fighting for the East West Link. They know how important this is for our future, as is the Great Ocean Road upgrade. Unfortunately, the member for Grayndler, who is speaking next, fought against that one as well. But Andrew Katos and those local candidates understand how important this project is for business. I note that the Assistant Minister for Infrastructure is also in the House—a great champion for building the roads of the 21st century.

Mr Albanese interjecting—

Ms HENDERSON: That is not true! The member for Grayndler has just made another false statement to the House—saying that we do not build anything. Construction on the Great Ocean Road has already commenced. It is so exciting to see our investment in the roads of the 21st century. I tell you what: the East West Link is going to revolutionise our city—and that is what we need!

Let me just give an example. Journey Management, a wonderful transport and logistics company in Geelong, employs some 200 people. They estimate that the East West Link—I met the CEO, Shane Blakeborough, just a few days ago—will save the company a million dollars a year in fuel, in maintenance and in productivity gains. Currently, it is cheaper for his trucks to drive from Geelong to Albury than it is for them to drive from Geelong to Dandenong. The East West Link will also mean that, rather than do one trip a day, he will be able to do two trips a day from Geelong to Dandenong. That is a massive boost to the productivity of a very important business in Geelong.

What is extraordinary about Labor's position is that just six years ago the Leader of the Opposition, along with the member for Gorton and the former members for Gellibrand and Lalor—former Prime Minister Gillard—threw his support behind an east-west link. They actually said in a submission to the East West Link needs assessment study:

We support a cross-city road link from the western suburbs to the Eastern Freeway. The consequences of doing nothing are negative and far-reaching. They will threaten Melbourne's future economic success and liveability. Substantial new investment is needed in the transport network to avoid these consequences and to support the changes taking place across Melbourne, including opening up new jobs and business opportunities across the city. Doing nothing therefore is not an option.

That is why I have launched a petition. I urge anyone who has not signed it to go onto my website, sarahhenderson.com.au, and sign the petition, calling on all MPs in this place including Labor MPs, particularly the Leader of the Opposition, particularly the member for Corio and the member for Ballarat—and I note that unfortunately the member for Corio is not even speaking on this debate, which is very telling, I have to say. I can say that already hundreds have signed this petition, urging members on both sides of the House to back the East West Link.
I have also called on local unions and local union leaders to back the East West Link. Previously, they were supportive of the western section because they know how important this is for jobs and for economic growth, and now there is deafening silence. They are putting their partisan political games ahead of jobs. I say to Geelong Trades Hall and to other local union leaders: put jobs ahead of politics and back the East West Link.

It is vital to have coalition governments in Spring Street as well as Canberra if Victorian families are to have the job creation they need and deserve. The simple fact is: Victoria cannot afford to lose all the hard-gained earnings of the last four years by going back to Labor. Labor cannot be trusted to keep Victoria's finances in order. Labor cannot be trusted to manage money. They cannot be trusted to deliver on their promises. The promise of Daniel Andrews and his insidious links with the CFMEU, which seems to be running the Labor opposition more than anyone else, is the most reckless and economically destructive commitment that has ever been seen in the state of Victoria. Look what they are also doing with Bay West, another destructive project for our environment. So I urge all MPs to get on board and back the East West Link. For Victoria, vote Denis Napthine's government in on Saturday.

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

Mr Sukkar: Yes, Mr Deputy Speaker, I second the motion.

Mr ALBANESE (Grayndler) (10:52): American diplomat and thinker Benjamin Franklin once made an astute observation about the nature of advice. 'Wise men don't need advice,' Franklin said, 'and fools won't take it.' When it comes to investing in infrastructure, the Prime Minister, like Franklin's fool, won't take advice. The Prime Minister is investing a total of $3 billion in the East West Link road project in Melbourne. This is precisely the same amount that was cut from the Melbourne Metro project. This is in spite of the expert advice from Infrastructure Australia and Victoria's planning and traffic experts that the Melbourne Metro is a higher priority. The expert advice is that the metro will deliver more public benefit for the investment, improving the reach, quality and frequency of public transport services in Melbourne. It would take thousands of cars off the roads. It would improve commuting times for train users. It is necessary work if other new lines, such as a link to the airport, are to be possible. It would make more room for people who continue to use the city's roads.

But the Prime Minister has his own ideas. He outlined those ideas in his 2009 political manifesto Battlelines, in which he wrote:

Mostly, there just aren't enough people wanting to go from a particular place to a particular destination at a particular time to justify any vehicle larger than a car, and cars need roads …

This loopy view explains why, upon taking office, the Prime Minister cancelled all Commonwealth investment in public transport projects right across the nation. Whilst the Treasurer believes that poor people do not drive too far, the Prime Minister believes that people do not use public transport. This kind of weird ideology, this complete ignorance of the daily lives of millions of everyday Australians who rely on public transport, is the policy context of the motion before us. Of course, the political context is Saturday's Victorian election. The motion's mover seeks to boost the political stocks of her Liberal Party colleagues, who are in real trouble leading up to Saturday's election.
The truth is that both projects, in terms of roads and rail, seek to address traffic congestion. I believe you need to invest in roads, but you need to invest in rail also—not one or the other but both—and you need to direct the priorities based upon Infrastructure Australia's advice. It is why we allocated more investment in public transport than all other Commonwealth governments combined since federation.

Importantly, Infrastructure Australia was created to give advice based upon cost-benefit analyses which are published. Why is it that the East West Link cost-benefit analysis is still not published and still not available, in spite of the fact that $1½ billion has already been forwarded? In its 2013 Infrastructure Priority List, the Melbourne Metro and the upgrade of the M80 road were right at the top. The East West Link is further down the list, with potential, but the cost-benefit analysis had not been completed. The former Labor government took this advice and allocated money for the M80 upgrade and for the Melbourne Metro. The Victorian government initially backed the Metro and in 2012 spent $118,000 of public funds to produce a video simulating a journey on the new train line, as was published by The Age last week. The federal government had already invested $40 million on the planning. The Metro was ready to go, recommended by Infrastructure Australia, so the Abbott government cut $3 billion from the budget. The next stage of the M80 upgrade is ready to go, with all planning completed, positive BCR, over $1 billion already invested to improve productivity on this ring road. It was recommended by Infrastructure Australia. So the Abbott government cut $500 million from the budget. Then there is the project that is part of the Managed Motorways program, to the east of Melbourne. This use of smart infrastructure has the highest ever benefit-cost ratio of any project recommended by Infrastructure Australia. The Monash Freeway section between Warrigal Road and Clyde Road has a benefit-cost ratio of 5.2—$5.20 return on every dollar invested. So what did the government do? The Abbott government cut $68.6 million from the budget. The Napthine government now also champions the East West Link, but it was revealed in The Age last week that the Victorian government's senior traffic planners wanted to stick with the Metro. Instead, they have an alternative plan that does not even pass through the Melbourne CBD.

Ignoring expert advice is bad enough, but the Prime Minister's actions also breach one of his fundamental election promises. Just days before the federal election the Prime Minister told the National Press Club:

I have given a commitment that we won't spend more than more than $100 million on any single infrastructure project without a published cost-benefit analysis.

Well, there is no published cost-benefit analysis and as recently as 20 October the head of Infrastructure Australia, John Fitzgerald, told the Senate budget estimates committee hearing:

We are still in the process of assessing that project. We have not formed a final view on that.

I have got news for Mr Fitzgerald—the government does not care what Infrastructure Australia thinks about this project. It has already handed over $1½ billion, including $1 billion for stage 2 of the project, which will not start until 2016 at the earliest. This is at the same time that the government is demanding widows, invalid pensioners, students and average mums and dads do their best for the so-called budget emergency that they talk about. But they have a billion dollars to hand over years in advance of this project, in spite of the clear commitment that was given by the assistant minister that there would be a milestone payments. He said:
That we're hitting milestones, that we're only making payments to states when they actually deliver the milestones, that they're not getting money in their bank account prior to milestones being delivered. Yet, $1½ billion is in their bank account—earning interest; not creating jobs, not doing anything to build infrastructure, just sitting in a bank account earning interest.

Our cities are under siege from worsening traffic congestion. You do not need to be a Rhodes scholar to know that roads alone are not the solution. Public transport is part of the solution, and here is a good example—construction of the Regional Rail Link began in 2010. The project will untangle freight and passenger lines connecting the Melbourne CBD to Ballarat, Bendigo and Geelong. It will provide an extra 54,000 commuter seats a day. It is the biggest single Commonwealth investment in public transport in the nation's history, with more than 15,000 workers involved so far. The Regional Rail Link will take 45,000 cars off the road during peak periods and save the state's economy $300 million per year. Best of all, it is ahead of time and under budget.

What was the incoming coalition government's response in Victoria to this project? They stopped it. They paused the project when they came into office and tried to renegotiate for funding to go to other projects. They said that this was a project that was over budget—not true. They did that by refusing to take into account the contingency reserve that were factored in for this vital project for Melbourne and for Victoria. Eventually, after spending months criticising it, attempting to negotiate with the federal government, it went ahead—but it went ahead in spite of the Victorian government. And in spite of the fact that they said this was a wasteful project, they have not missed a photo opportunity. They do not invite the federal members who were responsible for getting the funds for this project or the local state members, but state ministers have been turning up at these openings of new stations such as West Footscray. There are other stations in the Werribee region that are ready to be opened but the state government now pretends that this is their project—nothing could be further from the truth.

The fact is that, if our nation wants an effective, properly integrated transport system that delivers productivity gains for the entire economy, the Commonwealth must invest in public transport. If we want to liberate long-suffering Australians in drive-in, drive-out suburbs, the Commonwealth must invest in public transport. If we want to reduce carbon emissions, the Commonwealth must invest in public transport. We need an infrastructure strategy that is about integrated transport in our cities and in our regions, and that is the way forward.

Mr SUKKAR (Deakin) (11:02): We have just heard the member for Grayndler speak for 10 minutes on this motion, and he is so embarrassed by his party's position that he barely mentioned the East West Link in those 10 minutes. I can understand why he is embarrassed by Labor's position. For more than two years, I have spoken endlessly about the importance of building the East West Link, both to my electorate of Deakin and Victorians more broadly. As I rise to speak here today, on the eve of the state election in Victoria, I do so with an even greater sense of urgency and awareness of how this piece of nation-building infrastructure will lift up our state and what Labor's recklessness is putting at risk.

I congratulate my friend the member for Corangamite for putting forward this motion today as a timely reminder of the benefits of building the East West Link and the federal government's very significant contribution to this project. I know that people in her electorate are calling for the East West Link, just as people in Melbourne's eastern suburbs, including in...
my electorate of Deakin and in the member for Chisholm's electorate, are eager for construction to commence on this major road project so that traffic can be reduced on the Eastern Freeway and the Monash Freeway.

Deakin families are fed up with wasting their precious time being stuck in traffic on the Eastern Freeway or the Monash Freeway—time that they could be spending with their loved ones at home or being productive at work. I know just how fed up the people in Deakin are with traffic congestion, because they literally tell me every day. That is why my commitment to the Deakin electorate at the last election was to deliver federal funding for the East West Link, to secure jobs, to reduce congestion and to boost productivity. I am therefore very proud of our $3 billion contribution to this project. This includes $1.5 billion for stage 1, the eastern section, which is a six-kilometre link from the Eastern Freeway through to City Link at Parkville; and another $1.5 billion for stage 2, which the member for Corangamite has spoken about.

Anyone who has made the daily commute, east to west, across the city—as many of my constituents do—understands the incredible pressure placed on the existing infrastructure. By 2031, there will be an additional 400,000 vehicles doing that commute. Quite simply, it is unsustainable. But I have good news for members opposite—there is a solution, and the solution will be the construction of stage 1 of the East West Link, which will cater for an additional 120,000 vehicles by 2031. It will drastically cut travel times between the Eastern Freeway and City Link, and significantly reduce congestion at the end of the Eastern Freeway. Construction of the eastern section will create 3,700 jobs and provide a much needed boost to our economy, with 90 per cent of construction funds to be spent on local services. My colleague the member for Corangamite has spoken about the similar benefits for the western section, which of itself will create 3,000 jobs. This funding will enable 6,700 jobs.

Whatever way you look at it, this is a vital project for Victoria—a fact which, until not long ago, had bipartisan support. Those opposite agreed to it. In July 2008, none other than the Leader of the Opposition put his name on a submission to the Department of Transport, supporting the East West Link. I suppose we all know that the opposition leader is prone to changing his mind from time to time—just ask Kevin Rudd and Julia Gillard. So, federal Labor has now done an almighty backflip to oppose the East West Link project—all for the sake of supporting the Victorian Labor Party, as it desperately tries to protect a handful of inner-city votes from the Greens. In doing so, the Labor Party has abandoned Melbourne's east.

Ms Burke interjecting—

Mr SUKKAR: I look forward to the member for Chisholm rising to support this motion. I suggest to the Victorian Labor members that they leave their inner city suburbs of East Melbourne or Fitzroy and actually spend some time in our suburbs to understand how draining a commute on the Eastern Freeway in peak hour can be. Those opposite have stood by as their Victorian counterpart led by Daniel Andrews—or Dan Andrews—has vowed to tear up the contracts for the East west Link. It is absolutely clear that only coalition governments in Spring Street and in Canberra will deliver the East west Link. As part of the coalition, I will continue to fight for the delivery of this project for the people of Deakin and all residents of the eastern suburbs, including those in the electorate for Chisloin.
Ms BURKE (Chisholm) (11:07): I also rise to speak on this motion, but I will neither surprise nor disappoint the member for Deakin when I say that I do not support this completely wasteful tunnel. This is a truck tunnel—an $18 billion truck tunnel that will mean no other project built in Victoria from here to eternity. That much money going to one project will ensure that all our electorates never have anything else built, particularly in regional Victoria.

It will not resolve the problem of traffic congestion that, yes, my constituents feel every day. Yes, I understand this problem. I drove down that road this morning to get to the airport and, yes, when I hit the end of the Eastern Freeway, got to Alexander Parade and got through all those traffic lights, it was a crawl—a moaning crawl. The tragedy is that this traffic problem and this congestion will not be resolved by this $18 billion fest by the coalition government in Victoria or federally. Indeed, actual modelling has demonstrated that the time will increase for commuters who want to go to town. The majority of my constituents and those in the electorate of Deakin, when they get to the end of the eastern, are not turning right, as I did this morning to go to the airport.

It may resolve some issues for commuters to the airport and for freight, but it is not going to help the majority of my electorate who turn left to go to work in town. Indeed, the travel time for them will increase. It will increase—I am not wrong; I have the modelling to prove it. The modelling from Veich Lister reveals that building the tunnel will actually increase traffic on key sections of Melbourne's road network. Hoddle Street near the Eastern Freeway will increase the morning peak time by 35 per cent; Manningham near Bulleen Road will increase 25 per cent in the am and 20 per cent in the pm; the Eastern Freeway link near the East West Link Tunnel will increase travel time by 69 per cent—it will not decrease travel time. The cost blow-out is enormous.

If we are talking about backflips, let us look at the backflip on this one. Terry Mulder in 2010 said:

You made that up … you were wrong … We are not going to this election with a plan …

for an East West Tunnel. That is what they said in 2010. Terry Mulder is on my side because he also said:

You're not going to drive yourself out of a problem. Our view is that the answer is an effective, reliable public transport system. That's what's needed here—more investment in public transport.

Why don't we hear those opposite talking about putting the light rail down the Eastern? Let's talk about that and let's talk about really resolving congestion problems in this area.

The designers of City Link, Alan Hale and his colleagues at engineering firm Acer Wargon Chapman have criticised the East west Link:

Mr Hale says the 5.2 kilometre toll road is "the wrong priority and will not alleviate congestion across the city" and that the Napthine government is set to sign on to a project that will set Melbourne back for years.

"The evidence from cities around the world where real renewal has been achieved is public transport should be the primary focus," he said.

"For those of us who have been involved in major transport projects long enough, the lessons learnt, often the hard way, are that building more roads without investing in public transport is simply a recipe for inducing more vehicular travel." Mr Hale, no public transport purist, argues completing the "missing
link” in the ring road between Greensborough and the Eastern Freeway would "make a lot of sense" because, unlike the East West Link, it would divert traffic from the inner suburbs.

That was reported in *The Age* in September 2014, entitled 'Wrong Way on Road Link'. Yes, it is the wrong way on this road link. This is an enormous amount of money going into a tunnel that will not resolve the problem and will put a huge impost and impact on our community and our assets.

You just need to look at what is going to happen around the Parkville precinct: the Parkville Cricket Club, the Seeing Eye Dog training centre, the Urban Camp, the impact on the Moonee Ponds Creek, the birdlife in Kensington, Flemington and North Melbourne area, the loss of playground space at the Flemington housing estate, the significant loss of trees on Flemington Road, the Clifton Hill Primary School and the Chinese aged-care facility at Parkville. This will be a huge impost on my electorate with many people concerned about what is going to happen to their aged people. This tunnel is the wrong way to go.

Mr TEHAN (Wannon) (11:12): It is a pleasure to rise today to talk on this issue because this is an issue about trust and it is an issue about who we should trust to govern the state of Victoria. We all know the Victorian people will go to the ballot box on Saturday, and they have to think clearly about their decision on Saturday. Ultimately they need to decide who they will trust to run the state of Victoria for the next four years. Will they trust Daniel, Dan or Danny Andrews—or is it Andrew Daniels? Or will they trust Denis Napthine and the competent job that he has done in governing the state over the last couple of years. Will they trust Dan Andrews? He said:

A government that actually values our state's reputation and good name doesn't rip up contracts.' That is what he said on 13 August this year. And yet by 11 September, less than a month later, he said:

I think a ream of Reflex paper would be worth more than those contracts.

He said he would rip the contracts up. Is this a man that the Victorian people can trust?

To quote Friedrich Nietzsche, 'I'm not upset that you lied to me,' Daniel Andrews,' I'm upset that, from now on, I can't believe you.' This is what the Victorian people need to think about on Saturday. They cannot trust this individual. He has lied to them, and it will mean that from now on they will never quite be able to believe what he has said to them, because in the back of their minds they will know that when it came to East West Link he said one thing in August and then, a month later, he said completely the opposite—and he was absolutely shamefaced about it. This election is going to boil down to trust. As far as I am concerned, there is only one person that I can trust to lead the Victorian government for the next four years, and that is Denis Naphthine.

Let's have a look at what this project will do. Let's have a look at the key facts around East West Link and what it will mean for Victoria. It will provide capacity for around 100,000 vehicles per day; reduce congestion on the West Gate Bridge, which is currently carrying an unsustainable 200,000 vehicles a day; provide a 15- to 20-minute time-saving for people travelling from Geelong, Werribee, Altona and Laverton to the city; provide a 10- to 15-minute time-saving for people travelling from Ballarat, Melton and Caroline Springs to the city; cut 15 to 20 minutes off a typical trip from the freight and logistics precinct in Truganina.
in Melbourne's west to the Port of Melbourne; and create up to 3,000 jobs during construction. That last point is the most significant.

The coalition federally and at a state level want to grow the Victorian economy. We want to provide jobs for the Victorian state. We want to make sure that Victoria will go ahead, like it did after the Kennett government built the infrastructure that the state needed. This state government, with the support of the coalition federal government, wants to do exactly the same thing again. It wants to put Victoria in first place when it comes to first-class infrastructure. It wants to Victoria to lead the way when it comes to first-class infrastructure. It wants to provide jobs that will result in us putting in place that first-class infrastructure. Yet what do we have from the other side at the state level and here? We have opposition to job-creating infrastructure.

I plead with the Victorian people when they go to the ballot box on Saturday: think long and hard about your decision. You need to think ultimately about who you can trust to deliver for Victoria for the next four years.

Ms RYAN (Lalor—Opposition Whip) (11:18): I welcome the opportunity to speak in this timely debate, with the state election in Victoria some five days away. On this side of the House we do not support the East West Link, and we have various reasons for not supporting it. We support the Victorian opposition leader Daniel Andrews's position against the East West Link. We do so because the Eddington report recommended a west-east link, that the west section be the first priority. This is now stretching out—the budget papers suggest until 2023; I would suggest it is at least 15 years away. The member for Corangamite earlier cited support from the previous member for Lalor for the project. Of course, the previous member for Lalor's support for the project was for the initial west-east link. Since then, under a Napthine government, many things have changed.

One of the things that has changed is that the Western Distributor was taken off the agenda. The Western Distributor, which Daniel Andrews's government will deliver if elected on Saturday, is exactly what the west of Victoria needs, it exactly what the Western suburbs need and it is exactly what Geelong needs, because it is immediate—it would be delivered in four years—and it would take 5,000 trucks off the West Gate Freeway. It is shovel-ready and ready to go. But, instead, we have the member for Corangamite in here talking about the East West Link as a saviour for the west, with a time line leading out to the never-never. It certainly will not be delivered under a Napthine government if it gets another term. It will take three terms for this to be delivered. Meanwhile, the number of people on the roads from the west of Melbourne accessing the city increases daily, as do the number of trucks, as do the dangerous accidents that are occurring involving cars and trucks.

The other part of this argument is to look at the federal funding for the eastern section, stage 1 of the East West Link, where we have contributed $1.5 billion. It is difficult to make the case for stage 1 of the East West Link being of any benefit to the west of Melbourne—any benefit whatsoever. It will not improve travel times from the west to the airport like it will in the east, and it will not be a significant improvement on travel times for people from the west to get to the east.

Then there is the issue we have with cost. The true cost is unknown. We did have some academics recently determine that they think that the cost is actually going to be closer to $18 billion, with no value at all for the west of the state. Then there is the issue of the contract and
the secrecy around the contract to date and the fact that there has not been a business case put to the Victorian public—put to anyone in fact. So the rush to get the contracts signed before this state election is something that the Victorian public are struggling to come to terms with. As the member for Chisholm so nicely put it, there is also the question of the absolute incessant priority around roads over public transport. What we are going to get with the Western Distributor, as the first cab off the rank for an Andrews government, would be fewer trucks on the road for the West Gate, at a fraction of the cost, and we will not wait in the west for the year 2023.

Another thing that people on the other side talk about a lot in this debate is jobs. Let's be clear.

I seek leave to continue my remarks.

Leave granted; debate interrupted.

Domestic Violence

Mr HAYES (Fowler—Chief Opposition Whip) (11:22): On behalf of the member for Gellibrand, I move:

That this House:

(1) notes:
(a) with concern that family violence is an issue affecting members of all of our communities, but that not enough attention is given to it in public debate;
(b) that the impact of family violence upon our communities is devastating, especially given:
(i) intimate partner violence is responsible for more ill-health and premature death in women in Victoria under age 45 than high blood pressure, obesity and smoking; and
(ii) one in three women since their teenage years have been exposed to violence, one in five have been exposed to sexual violence, and one woman per week is killed by her partner or former partner;
(c) the importance of a bipartisan approach in addressing such a complex issue and support for addressing family violence by all Members of Parliament within the House; and
(d) with support the creation of the Parliamentarians Against Family Violence friendship group, and acknowledges the success of its launch event on 20 October; and

(2) makes all efforts to raise awareness of the family violence taking place in our communities.

By now we should all be familiar with the dreadful statistics: one in three women in this country will experience violence in her lifetime. One in five will experience sexual violence. Sixty per cent of boys growing up in abusive households are likely to become abusers. Even more disturbingly, half of all girls growing up in abusive households are more than likely to take an abuser for a partner in their adult relationships. On average, one woman dies each week at the hands of her partner or former partner—the person in her life who is probably most meant to love her and protect her. Only last week this was very much brought home to my community when a 49-year-old woman, a mother of three, was killed in Casula, which is in the electorate of my good friend the member for Werriwa. This shows how close at hand the issue of domestic violence is.

This morning, along with many members of the House, I attended a gathering of police commissioners from each of the Australian jurisdictions as well as from New Zealand, with
representatives from all sides of this parliament. It was revealed at the meeting that we have already exceeded the average number of deaths related to domestic violence this year.

Because of the nature of their work, I guess police are in a unique position to have an insight into the circumstances and the effect of domestic violence. In speaking to officers of the four police commands in my area, they told me of the high proportion of their work which is focused on dealing with cases of domestic violence. In fact, what they say is every general duties officer responds to at least one domestic violence case each and every shift. Forty-three per cent are repeat victims and 48 per cent are repeat offenders. In my police jurisdictions, almost 50 per cent of all assaults reported to local police are domestic violence related. Most local area commands have experienced an increase in the number of incidents reported to police. Hopefully that is because of the great work our police and also members of our community are doing in encouraging people to report these assaults.

But I am proud to say a number of organisations and individuals in my local area are working very hard to spread the message that violence against women and children is unacceptable. The number of those organisations is growing, but I would like to refer to two of them. The Liverpool Women's Resource Centre recently celebrated its 30th anniversary of supporting and empowering disadvantaged women in south-west Sydney. They have been involved in building capacity and reducing social isolation through a number of projects showcasing the talents and power of local women. They do an extraordinary job and I hope they continue well into the future.

I would also acknowledge the Bonnie Women's Refuge, another organisation providing vital support to local women and children experiencing and escaping from domestic violence. This not-for-profit organisation in south-west Sydney goes to great lengths to engage with the community and to aid the delivery of violence protection strategies that focus on activities which address the factors contributing to the violence in the first place. It should be noted that they also provide short-term crisis accommodation, prevention and early management of violence, among other useful services that they have been doing over the last 37 years now.

Domestic violence is the single biggest cause of homelessness for women in this country. At the moment one in every two women attempting to access these services is turned away, and this is due, regrettably, to the cuts to homelessness services. I would also like to acknowledge in the time I have left the work of a good friend of mine, a local teacher, Paula Keyes. Last week she organised a domestic violence forum in Liverpool to raise awareness of this very important issue. As a White Ribbon Day ambassador, I commend Paula for her initiative.

I acknowledge that the Liverpool and Fairfield migrant resource centres are also holding their annual domestic violence forums to mark tomorrow as White Ribbon Day. Tomorrow we should all stand together as members of this place and take the oath never to commit violence and never to excuse or remain silent when it comes to violence against women and children.

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

Mr Perrett: Yes.

Mrs SUDMALIS (Gilmore) (11:28): This morning I joined my parliamentary colleague the Hon. Michaelia Cash, Minister Assisting the Prime Minister for Women, along with
Police commissioners of Australia and New Zealand to stand together against violence towards women and children. One in three women over 15 has already experienced physical violence and one in five has experienced some form of sexual violence. One Australian woman is murdered every week by a partner or former partner.

These awful statistics are the kind that most of us would prefer to sweep under the carpet, described this morning as 'Australia's dirty little secret'. Every person in every family deserves a life of safety and free of violence. It is a sad truth that many young people in our community grow up seeing violence as a way of life. Almost one in three children raised in a violent household has admitted actually witnessing violence against one of their parents.

For a long time violence against women and violence in the home has been treated as a 'don't ask, don't tell' issue. Today I am proud to stand in this House with very clear bipartisan support to say that this culture must end. It is no longer okay to turn a blind eye, or to sweep this important issue for Australia under the carpet.

Just yesterday we had a community gathering in Harry Sawkins Park: one of our local journalists, who has been a champion of this cause for many years, Damien McGill; many members of our Zonta Club of Berry, whose mission is to improve outcomes for women and children, organised by Fran Smith; Waminda, one of our local women's Indigenous advocacy and service provider groups; Duncan Nisbet, a teacher and the local White Ribbon Ambassador; and Adam from the Equal Playing Field program. Uncle Arthur Wellington spoke from the heart, and gave welcome to country. Duncan then described the 900 man-only gathering in 2009, and the continuing work with young men and youth in schools, and then asked those men present to make their pledge by saying: 'I swear never to commit, excuse or remain silent about violence against women. This is my oath.' He then told the story of the initiative where 14 handbags were left with their contents on the footpath to illustrate the issue of women killed due to domestic violence. Near these handbags were contents with such statements as: 'this is her lipstick which she will never wear down', 'these are photos of her children who she will never see grow up' and 'those are the appointment cards for appointments that she will never attend'. This was a poignant and powerful image, and made so much worse when we were told that lives lost to domestic violence last year could only be symbolised with 52 pairs of shoes—one pair for each woman. These deaths were caused by someone who once loved them. I truly despair that what was once love turns to frustration, hate and violence.

Each of us needs to put every ounce of our ability towards supporting community groups, who work so effectively with these families. This is true in the regions especially, where much of the additional work is facilitated by hours and hours of volunteers' time. Just two weeks ago, the Shoalhaven Women's Health Centre celebrated 30 years of effective operation with exactly this combination of professional and volunteer help for women. Tracy Lumb, the manager, asked only that when funding was considered by government, successful small groups in the regions would not be consumed by large groups, who very often do not have the deep insights that smaller groups have, and who often do not put in the volunteer hours.

This government takes the issue of family violence very seriously. I was shocked to discover that family violence actually costs us around $8 billion a year. A number of initiatives across all arms of government have steadily increased the support to combat this terrible blight on our community. These include an additional $1 million for the White
Ribbon campaign, and implementing the National Plan to Reduce Violence against Women and their Children. That is a national plan from 2010 to 2022. We have just released the Second Action Plan of the strategy: a united and strong message. This means $3.3 million for CrimTrac to develop and test a prototype for a national Domestic Violence Order scheme; $1.7 million to take the next steps in developing a national family violence data collection service; and $1 million for 1800RESPECT, Australia's first national professional telephone and online counselling service.

Deputy Speaker, it is important to acknowledge that this is truly an issue of bipartisanship. The Parliamentarians Against Family Violence group, founded by Ken Wyatt, Andrew Broad and Tim Watts, is a clear symbol of our joint commitment, and shows that all sides politics can and will work together for a better outcome on this issue. We must also expand the support of non-violence towards women and children to be the support of non-violence towards families—to have that equity, and so that we do not leave certain sectors out of the question just because of gender. We must work collectively to reduce violence in our families, both here in Australia and around the world. We have both a duty and a responsibility.

Ms ROWLAND (Greenway) (11:33): So often, we as local members stand in this place and talk about the things that we are rightly proud of in our local communities. There is one stain on my local community that I am not proud of, and that is that for the year to June 2013, Blacktown recorded the highest number of domestic assaults in New South Wales, with 1,963 incidents reported that year. Whilst for the year to June 2014 the domestic assault count dropped to 1,916, I hardly think that that statistic is a cause for celebration. This is an issue that all of us in our local communities should be concerned about.

Whilst today in this parliament we commemorate and express our support not only for victims of family violence but also for support groups, I want to acknowledge a local event that is being conducted at the same time in my home town of Blacktown; that is, what has become our annual Blacktown White Ribbon Day breakfast. I want to acknowledge Blacktown Workers Club, the Blacktown Local Area Command, Gold Crest Security, the Outer West Domestic Violence Network, and the WASH House, for being the main sponsors of this event. It is an event which I know—if it is anything like previous years where I have been able to attend—attracts hundreds of people.

More importantly than that, I would like to go back to something that I am proud of—that is, the resilience and the commitment of the local community to continue to combat and raise awareness of family violence. I want to raise the issue of this event in Blacktown, the White Ribbon Day breakfast, but also a specific person in particular: Constable Genelle Warne, who got on her bike last year and rode nearly 200 kilometres from Newcastle to raise money for local victims of domestic violence and for local support groups. Constable Warne said the woman who had inspired her had witnessed and experienced terrible acts of domestic violence. These are Constable Warne's words: 'I said to her: because she had been so brave, I felt I had to raise awareness in my personal time.' They completed the ride last year, and I was very pleased to be amongst those to welcome them. I am also very pleased to acknowledge Constable Genelle Warne as recently having won the Field Operations award for her work with domestic violence victims. She is the Domestic Violence Liaison Officer at Blacktown, and she said—as all humble recipients do—that she had not expected to receive such an...
award. And again in her words: 'For me, it was to show my kids how dedication and compassion can pay off. I dedicated my win to the victims, and to the good officers at Blacktown.' So what did inspire Constable Warne? I will not go into too much detail because it is so graphic, but it was the torture of a woman who had experienced abuse for six years before she could even talk about it, and who said she still felt embarrassed and ashamed and did not even want her mother to know about it. Well, thanks to people like Constable Warne, the perpetrator is now receiving the retribution that they deserve.

I want to mention some other local initiatives that are taking place in the Greenway electorate and I want to commend Boronia Multicultural Services and the National Sikh Council of Australia who initiated a very important tool kit for raising awareness of domestic violence in our local Sikh communities called Domestic Bliss. I want to also mention two people who have had a great influence on my life and they are Michelle Hannon, the pro bono partner at Gilbert and Tobin lawyers and Susan Smith, who coordinated the domestic violence women's advocacy service at the Downing Centre. In my 10 years as a solicitor I decided very early, thanks to the influence of those two people, that my pro bono work would be done for victims of domestic violence—I was not a litigator so it was the only time that I got to go to court. I could see in those 10 years the reality that it did not matter what background you came from, family violence touched everyone—everyone from Aboriginal women to a nondescript career professional whom I saw in a court room and whom I actually thought was another solicitor but she was actually a victim seeking support. Let us all remember what is on the back of the little card that comes with these ribbons—it could be your mother, wife, sister, daughter, friend, partner or colleague that is a victim, and stopping this violence is everyone's responsibility.

Mr NIKOLIC (Bass) (11:38): As a husband, as a father of two grown daughters and as a White Ribbon ambassador from Tasmania I have great pleasure in speaking on this important motion. I commend the member for Gellibrand and the member for Fowler for moving it. White Ribbon Day tomorrow marks the 11th year of getting the message out that we have to do more to acknowledge, address and eliminate violence against women. We have to keep reminding our community of the sobering statistics and, while we have heard them this morning, I think it is worthwhile repeating them again. One in three Australian women over 15 will experience physical violence, one in five will experience sexual violence at some point in their life and an Australian woman will die every week from domestic violence, more than likely killed in her own home by her male partner. It is an equally sobering statistic that already in 2014 we have exceeded that weekly statistic.

Sadly, an overwhelming majority of women who experience physical and sexual violence do not report it. Often it is because of the perceived lack of options to escape the violence. Imagine how awful the situation must be if putting up with the violence is somehow a better option than escaping it. I know from my younger years the pain that this sort of violence can inflict, not just on the innocent female victim but more often than not on the extended members of the family and more often than not on the children in those families. I have seen the effects of the violence more recently in visits to women's shelters in my electorate of Bass, where the somehow intractable nature of this problem seems to persist despite our best efforts—it clearly illustrates that we have to do more.
Thankfully, most men do not commit violence against women and they exercise the sort of respect that we should take for granted in Australia in 2014. But it is nevertheless men—a small cohort of men—who cause women and children to experience pain and often homelessness, to experience the sort of shame and hopelessness that we have heard about this morning, for reasons that make no sense and that no person in this country in 2014 should ever accept. The consequences of this violence are unacceptably high social and economic costs, costs that will only grow unless attitudes and behaviours change. I believe the male-dominated nature of the problem imposes a special obligation on us men to do more in response. I encourage men to take the pledge to wear the white ribbon and to share in that collective commitment, that strong collective countenance, that we will stop violence by men against women.

I am pleased to say that, in my hometown of Launceston, we have a strong group of White Ribbon Ambassadors who are determined to make a difference. Led by our chairman, Warwick Cuthbertson, with influencers like mayor Albert Van Zetten, headmasters like Stephen Norris, treasurer Peter Gutwein, Senator Stephen Parry, and the wonderful Carol Fuller amongst others, it is a group that punches above its weight in advocating for change on this important issue. This year, apart from the usual window displays, balloons and banners, we have a Walk a Mile in Her Shoes event where you will see men making the effort to walk in ladies heels through Launceston's Brisbane Street Mall, quite literally walking a mile in a woman's shoes. It is led by my mate and fellow Lions club member and Northern Tasmanian White Ribbon Ambassador, Phil Crowden. Several high profile men are involved including the CEO of the Tasmanian Health Organisation, John Kirwan, and the Tasmania Fire Service chief, Mike Brown. I mention my friend John Kirwan, who, as head of the Launceston General Hospital, sees a lot of the sad results of domestic violence in my community.

Violence against women requires leadership by influencers in our society, as well as grassroots cultural change. We need people to speak out not just on White Ribbon Day but at every opportunity. I encourage people to visit the White Ribbon website at www.whiteribbon.org.au to see how they can make a difference. The resources on this site contain useful material for those who need help, particularly contact numbers, and there is help for women if they want to escape a violent situation. It also contains advice and strategies for how we can help someone who is experiencing violence.

Again, I commend the members for Gellibrand and Fowler and the other speakers for giving this issue well-deserved attention and I encourage everyone around the country, particularly men, to rally around this important cause.

The DEPUTY SPEAKER (Mr Broadbent): All strength to the arm of the men who are going to walk a mile in high heels—I assure you I could not.

Mr LAURIE FERGUSON (Werriwa) (11:44): At the outset, I congratulate the staff of Liverpool station, who held a White Ribbon event last Friday. I regret my inability to attend. The figures are indeed horrific—whether it is the 24 women in New South Wales killed in 2013 through domestic violence or the reality that 42 per cent of all of that state's homicides are related to domestic conflict. What is seriously concerning to us is the fact that the problem is underestimated—64 per cent of women who have experienced physical assault and 81 per cent of women who have experienced sexual assault have not reported it to police, according to surveys. And it is disturbing that the level of reporting by people from a non-English-
speaking background is only half that of the rest of the Australian population. That is not a credible statistic, so what we are talking about is significant underreporting among migrant communities and, of course, a lesser access to the various organisations that assist. Despite the fact that we have that underreporting, there has been growth of 3.3 per cent in domestic assault in the official statistics despite a general downturn in criminal offences. In a situation where there is underreporting, debates like this and the White Ribbon activities increase public awareness and help people to come forward to reveal this issue.

I think it is worth commending the police force in regard to that uplift in reporting. I had the opportunity to go to the South-West Sydney Pacific Islanders Organisation domestic violence event recently. There I heard the Macquarie Fields police actually admit that in the past the police had had a bit of a tendency not to take this issue seriously enough, but they have made major efforts locally to ensure that they are more responsive. So the picture we have is that there is serious underreporting, particularly in non-English-speaking background communities where there are patriarchal and community aspects, but at the same time a lift in overall reporting possibly because of more police awareness.

I commend Dr Sharman Stone, from the government side of politics, who is playing a regional role in regard to this matter as the chair of the women's standing committee of the Asia Forum of Parliamentarians on Population and Development. I recently had the opportunity to attend with Dr Sharman Stone a conference in Cambodia around a number of related issues—underage marriage, trafficking of women and domestic violence. While we can be critical of the downturn in Australia's foreign aid, it is good to see that it is focused on women's issues in our region and the way Australian tax dollars are working against domestic violence in the Pacific and Asia. It was good to see in Cambodia that some countries are responsible enough to tell the truth about their problems. I was particularly impressed with the reports from Bangladesh and East Timor. They pulled no punches in regard to the monstrous obstacles they have to overcome with these problems. I have been very critical of Cambodia on human rights, but there has been a real effort by the government of Cambodia in regard to combating domestic violence. They have put money in and worked with Australia and other countries. They have a program called Good Men, which indicates to men that there are better aspects of your lifestyle and image than macho aggressiveness. That program is working very well. I commend Sharman Stone for playing a very important role on this front.

This issue can deeply affect all of us. The most memorable situation I have had was being asked by one friend to meet a young girl whose mother was gunned down in public outside Parramatta court by her estranged husband in front of about 10 immigration department employees who have been traumatised for decades since. That woman put to me her absolute terror that her father would be released from jail. But the most telling words she said to me were that, throughout the entire period that her mother had been separated from her father, her mother and her family lived a life of terror to the point that she was thankful that her mother had been murdered; life was just so bad. This problem was exacerbated by managers and employees of the Commonwealth Bank giving the husband the details of changes of address by the family so that he could follow them and pursue them. This is probably an extreme example but we are all aware that there has to be a national effort, there has to be people vocal about it. We commend people in our electorates working on this issue every day of the year.
Mrs McNAMARA (Dobell) (11:49): I have previously spoken in this House on family violence and subjects such as sexual assault and mental health. I have done so because these issues are important to me and my communities within the electorate of Dobell. Today I rise in support of the motion by the member for Gellibrand regarding the lack of attention and public debate given to the issue of family violence and the importance of a bipartisan approach in addressing this complex issue. I fully support the member on his motion.

It is no secret that the impact of family violence is devastating. Last week we saw the tragic death of a New South Wales woman at the hands of her husband. Violence in the home is unacceptable and we must never become complacent about this issue. There is no excuse for violence in the home. The consequences for victims of family violence go beyond physical injuries, trauma and fear. The victims also experience social and economic isolation, mental health problems and, for many, homelessness. Many children of family violence suffer dramatically. They often experience problems with their peers. They demonstrate aggressive and/or withdrawn behaviour and experience a reduced sense of personal safety. Sadly, in later adult relationships, they regard violence is normal. Hence, the cycle is repeated. Additionally the child's brain development can be impeded. A cycle of violence and control at home feeds fear and insecurity, resulting in a skewed perception of themselves and the world.

And then there is the tier of domestic violence—the consequences for the community. With impacts such as reduced empathy for victims and a sense of hopelessness and social destabilisation, it is imperative that we as community representatives take a stand to raise awareness of this issue and reinforce that there is no shame in speaking out. The statistics indicate that one in three Australian women experiences physical violence from the age of 15 and almost one in five women experiences sexual violence. As a society, this is completely unacceptable. I would like to quote from the National Plan to Reduce Violence Against Women and Their Children, which was launched by the Labor government in 2010. It states: 'No government or group can tackle this problem alone.' That statement has never been more pertinent than it is today. The second action plan is currently being implemented to increase community involvement in actions to prevent family violence and sexual assault. This government's allocation of $100 million to execute this second action plan and the continuation of the fight to stop violence against women and children is further example of the bipartisan approaches taken to combat this debilitating social issue.

As government representatives it is imperative that we support legislative means whereby practical measures can be implemented to protect the safety and wellbeing of victims of family violence. It is also imperative that the three arms of government—in particular, the judiciary—work together to strengthen the message to perpetrators of family violence that their actions are unacceptable and illegal.

Suggested practical steps to assist victims of family violence include amending the Family Law Act to ensure that victims of family violence are supported while dealing with bonus legal and financial impacts, and having complementary rather than opposing relationships between state domestic violence legislation and federal family law legislation. The commitment, under the second national action plan, to implement a national domestic violence order scheme to ensure that domestic violence orders are recognised across jurisdictions is encouraging. This is imperative to ensure that victims fleeing family violence interstate receive the same protection throughout all Australian jurisdictions.
Simple solutions advocated by support services who deal with family violence on a daily basis should be rationally assessed and considered for implementation. Direct strategies to ease costs incurred by family violence victims, particularly for those who are isolated from the family home, assets and personal networks, should be implemented. Incorporating evidence in court proceedings regarding the history of a relationship between the victim and the perpetrator, in addition to consideration of research and evidence regarding trauma experienced by victims of family violence, should be standard. Access for children to court appointed children's solicitors and barristers and the automatic provision of evidence via video link should be commonplace and routine.

Creating a safer community for Dobell and the Central Coast is something that I take seriously in my role as a federal member. Only by the continual effort to raise awareness of family violence and its consequences can we begin to acknowledge the magnitude of the problem and implement positive and lasting change. Unfortunately, we in Dobell have the second-highest rate of family violence in New South Wales and we are in the top 10 in Australia.

The strongest three words that can be spoken to a woman suffering domestic violence are: I believe you. I acknowledge the bipartisan actions of all members of this House to tackle family violence and create a safer place for women and children. I commend this motion to the House.

Ms BRODTMANN (Canberra) (11:54): I would like to begin by thanking the member for Gellibrand for moving this motion on a subject that is very close to my heart. I would also like to acknowledge his role in setting up, with the member for Hasluck, the Parliamentarians Against Family Violence group. It is really impressive to see men standing up the for an issue that so overwhelmingly impacts women. I commend them for that and I also commend the speakers on this motion today.

Violence against women in Australia is a deep rooted cultural problem and it is shocking. One in three women in Australia have experienced physical violence. Almost one in five has been subjected to sexual assault. And one woman is killed by her partner or former partner every week—every single week. Deputy Speaker Broadbent, I would like to take this opportunity to commend the work you have done in your community on this issue.

This violence has a number of names—it is domestic violence; it is family violence; it is intimate-partner violence—but the themes are always the same: physical, emotional and economic violence at the hands of someone you love. Family violence does not discriminate. It affects women of all ages, religions, races and socioeconomic backgrounds. In fact, just this morning a woman close to me told me that she has been a victim of domestic violence. That was quite a shock. She is a young woman—a beautiful woman—and she has been traumatised and abused by someone that she loves and that she trusted.

Violence against women is absolutely everywhere and it is crippling. Research shows that around two-thirds of women do not even contact police after being assaulted. These are smart women. These are strong women. Yet they are so crippled with fear that they cannot take action. Australia needs to come together as a country and take action for these women who are too afraid to speak out. Australia's leaders need to stand up and take action. Most of all, Australian men need to stand up and take action.
Changing the attitudes of men will take some time, so it is heartening to see important initiatives like the government funded White Ribbon Workplace Accreditation Program gaining traction. Already, 24 workplaces, including the Navy, the Army and the NRL, have signed up to the White Ribbon accreditation pilot program, with another 68 major organisations to follow suit. I am proud of the former Labor government's approach to this issue. The National Plan to Reduce Violence against Women and their Children provides us with a clear framework for reducing violence against women. I again welcome the bipartisan approach we are seeing in the chamber.

I would also like to acknowledge the important work of the Chief of the Defence Force and, in particular, the Chief of Army, David Morrison, for the work they are doing to stamp out unacceptable behaviour in the ADF. In my electorate, I would like to thank Relationships Australia, a community based, not-for-profit organisation that has been providing relationship support services for more than 50 years. Programs run by Relationships Australia have led to a number of positive outcomes, including a reduction in family violence and conflict and a reduction in antisocial and violent behaviour in schools and the community.

Despite all of these positive steps, one-third of Australian women are still experiencing physical violence. This figure has not changed in a decade. Australia is crying out for cultural change. Family violence is a serious problem, deeply entrenched in the fabric of our society. But it is not just here in Australia that it is a problem. It is a global pandemic affecting people throughout the world. Violence against women is a human rights violation. We should not think of it as being just the way things are. It is a serious problem which can and must be prevented.

I underscore the fact that violence against women must stop. We have a responsibility to make sure that our laws and our policies are helping to stop the terrible crime of domestic violence. We must support the work of those organisations on the front line in our communities, and we need a holistic, coordinated response from the government on this issue. We need to see our legal services, housing services, health services, child protection services, police and courts work together to end violence against women.

We have a chance, with bipartisan support, to improve the lives of hundreds of thousands of Australian women. It will require men around the world to challenge the attitudes and behaviours of men who use or condone violence against women. We can only do it through a zero-tolerance approach and by calling out family violence when we see it, by uncovering and highlighting the fact that only weak men engage in this type of violence. (Time expired)

Mrs PRENTICE (Ryan) (11:59): In the short time I have, I want to commend Zonta for their campaign 'Zonta Says NO' to help combat violence against women on an international scale. Since 1923 Zonta International have been striving to end violence against women by increasing the level of non-discriminatory education, guaranteeing women access to resources and representation on the same basis as men, and providing protection for women with one-stop medical, legal and social help by ensuring perpetrators of violence are held to account.

I seek leave to continue my remarks.

Leave granted; debate interrupted.
BILLS
Dental Benefits Legislation Amendment Bill 2014
Counter-Terrorism Legislation Amendment (Foreign Fighters) Bill 2014
Albury-Wodonga Development Corporation (Abolition) Bill 2014
Marine Safety (Domestic Commercial Vessel) National Law Amendment Bill 2014

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

COMMITTEES
Joint Select Committee on Trade and Investment Growth
Membership

The DEPUTY SPEAKER (Mr Broadbent) (12:00): The Speaker has received a message from the Senate informing the House that Senator Lazarus has been appointed as a member of the Joint Select Committee on Trade and Investment Growth.

BILLS
Social Services and Other Legislation Amendment (2014 Budget Measures No. 6) Bill 2014
Australian Sports Anti-Doping Authority Amendment Bill 2014
Australian Education Amendment Bill 2014
Private Health Insurance Amendment Bill (No. 1) 2014

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

COMMITTEES
Electoral Matters Committee
Report

Mr TONY SMITH (Casey) (12:01): On behalf of the Joint Standing Committee on Electoral Matters, I present the committee's second interim report on the inquiry into the conduct of the 2013 federal election and assessment of electronic voting options.

In accordance with standing order 39(e) the report was made a parliamentary paper.

Mr TONY SMITH: by leave—Our voting system has changed and evolved over the 113 years since the first federal election in March 1901. But one thing has remained a constant from the election of the first parliament to that of the 44th last September. We still vote with a pencil on a paper ballot that is then manually counted.

In recent decades some democracies have moved to a form of electronic voting. The USA has electronic voting machines in many states and Estonia offers electronic voting over the internet.
While one system requires you to still visit a polling booth and the other offers online convenience, advocates argue that both offer faster and potentially more accurate results.

With the close of polls the results are known within minutes rather than hours, days and weeks and arguably without the human error that occurs in the long paper ballot count.

Many think it sounds like a good idea for the next federal election. No matter your view, this is not feasible.

Even the most ardent electronic voting advocates must recognise that in logistical terms it would be impossible for our electoral authorities to roll it out next polling day, which is less than two years away—at the latest.

But what about future elections?

I once simply assumed so, but that was before I had given it a lot of thought.

After hearing from a range of experts and surveying the international electoral landscape, it is clear to me and the rest of the committee that Australia is not in a position to introduce any large-scale system of electronic voting in the near future without catastrophically compromising our electoral integrity.

Machine electronic voting at a polling place is vulnerable to hacking to some degree. This can be mitigated by a system that not only records your vote electronically but also produces a printed ballot for physical counting and later verification. In other words, there is a lot of expense to still visit the polling booth, queue up and complete your vote on a machine rather than a paper ballot.

For this reason, internet voting seems to be naturally the most attractive to many voters. As an election expert from the USA said to me recently: 'When it comes to voting, folks would rather be online than in line.'

But the weight of evidence tells us that at present this is highly vulnerable to hacking.

While internet voting occurs in Estonia, it does not mean that system cannot be hacked. With all the internet security architecture available, the academic experts swear they can, and have proved they can, hack such systems.

In future it is likely, given the turbo-advances in technology, that a system of online electronic voting could be delivered with acceptable safety and security. But even when we reach this time, there should be considerations beyond just the convenience that it would offer.

Given we complete so many transactions online, I am often asked why voting should be any different. My answer to that is that voting once every three years to determine our democratic destiny is not an everyday transaction.

Not only do we have the right to a ballot; we have the right enshrined within our system to a secret vote. Voting at a polling booth guarantees this; voting over the internet would threaten it.

Internet voting would expose some voters to family and peer pressure by removing the individual isolation of voting at a secluded booth and replacing it with voting in a home, a workplace or a public place. It also potentially opens up a market for votes where disenfranchised or financially desperate voters could be offered money to vote a certain way, which could be verified in a way not possible at a polling place.
This is not to say that we should not be striving to make better use of modern technology, but it is to say that technological convenience must be balanced against electoral integrity.

There are other aspects of our voting system that should be brought into the modern electronic world, aspects that will not compromise the security, sanctity and secrecy of the ballot.

We can progressively replace the paper roll at each polling booth with an electronic interconnected roll. At present, every booth within an electorate has an identical paper roll. When you vote your name is crossed off at the polling place you attend. With an interconnected electronic roll, your name would be crossed off and you would be provided with a ballot. It would also, almost simultaneously, be crossed off at every other booth. This would dramatically reduce the opportunity for multiple voting in your name at other polling places and would reduce administrative errors.

At the same time we should start to introduce electronic scanning of ballot papers. This would enable an electronic count, the results of which would be delivered minutes after the close of the polls. The same physical count that occurs now would still be performed for verification. Such a system would offer faster results, at a manageable cost, without any of the risks or compromises to electoral integrity of stand-alone electronic voting. Indeed, it would provide a checking mechanism, thereby providing a measure of surety to the count.

This report makes seven recommendations. Recommendations 1 to 4 call for the rollout of electronic, certified lists to all prepoll centres and mobile voting teams, initially at the next election, with eventual introduction to all polling places. The committee also considers there is an opportunity for this technology to be developed collaboratively and shared with the states and territories.

Recommendations 5 and 6 propose the consideration of electronic counting and storage of ballot papers. This would offer a number of benefits in terms of speed and verification of the count. Were ballots to be scanned for counting, they may also be able to be stored digitally. Currently ballot papers are destroyed after a prescribed number of years. Were they to be scanned and stored digitally, they could be retained indefinitely and, in doing so, could capture part of the electoral history of Australia.

Finally, the committee acknowledges the real benefit of the current telephone assisted voting system that is available to blind and low-vision voters and recommends it be extended to voters with assessed mobility or access issues to provide them with easier access to voting.

Technology is moving at a rapid pace. The committee believes we should be utilising it to ensure that the systems underpinning how we vote are sound and that persons with disabilities have easy access to the vote. In doing so we should harness that which enhances our electoral integrity and not that which could endanger it.

I want to place on the record my thanks to all the members of the committee for their work on this matter, which has produced a second unanimous report. The committee has already completed an extensive series of hearings in relation to this inquiry and, as I said at the outset, this is the second interim report. Over the course of twenty hearings to date and after reviewing 207 submissions, the committee has worked collaboratively in an impartial manner.

The committee is continuing its broader work on the inquiry into the conduct of the last election. It recently heard from the Auditor-General on his latest report on AEC workforce
management, which had been undertaken at the committee's request. This audit made some serious findings about staff training and preparation for elections. The committee also questioned the AEC about the audit, including in relation to its serious findings about polling staff training during and before the last election.

The committee will address these and many other important issues relating to the last election and the circumstances surrounding the lost votes in Western Australia, voter identification and the integrity of the electoral roll in its final report, which I hope to be in a position to table in the first quarter of next year. I commend the report to the House.

Standing Committee on Tax and Revenue
Report


Report made a parliamentary paper in accordance with standing order 39(e).

Mr ALEXANDER: by leave—I am very pleased to conclude the Standing Committee on Tax and Revenue's first full year of operation with the tabling of the committee's second report on tax administration. The report focusses on the evidence from the committee's hearing with the tax office and stakeholders in August. Throughout the year the committee formed good working relationships with the Commissioner of Taxation and his executive, the Ombudsman, the Inspector-General of Taxation and industry stakeholders. I believe that we have firmly established our role as a scrutineer of the Australian Taxation Office and are well-positioned to provide ongoing oversight of tax administration in Australia.

The tax office has made progress on many of the issues raised during the first public hearing of the inquiry in February. I commend the agency for its introduction of streamlined key performance indicators, its commitment to estimate the tax gap and its efforts to address the findings of the Australian Public Service Commission's capability review. It is very encouraging to see the tax office take its first steps towards 'no touch' tax returns with the introduction of myTax—a streamlined lodgement process which prefills details for taxpayers with simple tax affairs. This development has brought the tax office closer to international best practice and has made it easier for taxpayers to engage with the Australian tax system.

At the committee's first hearing, the tax office reported that it was consulting with international experts regarding the feasibility of tax gap estimations. Less than a year on, it has announced a phased implementation of the tax gap, which is guided by a definitive timetable. Parliamentary committees have long been interested in the tax office's pursuit of a tax gap estimation. I am pleased to see the commissioner driving this work.

Likewise, the tax office is making good progress developing the capabilities identified by the Australian Public Service Commission's review. Since February it has begun planning for the future of its information and communication infrastructure and has introduced a range of contemporary, new online services to support taxpayers and small businesses. It has almost finalised a series of workforce reductions and is concluding the closure of some regional offices.

Despite this downsizing of the tax office workforce, I am confident that the agency can continue to build and refine the initiatives and work programs it has set in motion. I am
looking forward to commencing the inquiry into the 2014 annual report of the tax office early next year. My colleagues on the committee and I anticipate further discussions on the tax gap and consideration of issues like 'no touch' tax returns, the cash economy, the lodgement program for tax agents and the Tax Agent Portal.

We believe that the ability of the Tax Office to address these issues is critical to its role as a tax administrator. They will also support compliance by making it easier for taxpayers to engage with the system, regardless of the complexity of their tax affairs.

On behalf of the committee, I would like to sincerely thank the commissioner, his executive, the ombudsman, the Inspector-General of Taxation and industry stakeholders for engaging with the committee and supporting this inquiry into the 2013 annual report of the Tax Office. I would also like to recognise the outstanding work of the committee secretariat in providing members with every level of preparation and support required. Their efforts are crucial to the success of this committee.

I believe this inquiry has set the committee on a firm footing to provide effective and ongoing oversight of tax administration in Australia. I commend the report to the House.

**BILLS**

**Counter-Terrorism Legislation Amendment Bill (No. 1) 2014**

**Report from Committee**

Mr TEHAN (Wannon) (12:16): On behalf of the Parliamentary Joint Committee on Intelligence and Security, I present the committee's advisory report on the Counter-Terrorism Legislation Amendment Bill (No. 1) 2014.

Report made a parliamentary paper in accordance with standing order 39(e).

Mr TEHAN: by leave—I am pleased to present the committee's report into the Counter-Terrorism Legislation Amendment Bill (No. 1) 2014. The bill contains a series of amendments to the Criminal Code and the Intelligence Services Act. The amendments are primarily aimed at: (1) facilitating Australian Secret Intelligence Service support for and cooperation with the Australian Defence Force, (2) amending the emergency ministerial authorisation arrangements for the Intelligence Services Act agencies, and (3) enabling the AFP to seek control orders for a broader range of individuals of security concern and to streamline application processes.

The committee has made 15 recommendations in its report aimed at further strengthening the bill's safeguards, transparency and oversight mechanisms. The recommendations include: with regard to ASIS support for the ADF, providing greater clarity around how a class of Australian persons will be defined; on emergency ministerial authorisations, requiring the relevant minister of an intelligence services agency to be notified within eight hours of any emergency authorisation where the relevant minister or ministers was not initially contactable; requiring the Inspector-General of Intelligence and Security to oversee such authorisations and to notify the committee within 30 days of each instance; regarding changes to the control order regime, basing the terms 'supports' and 'facilitates' in relation to control orders on language in the existing Criminal Code to the extent possible; requiring the Attorney-General's consent for an urgent interim control order to be obtained by the AFP within eight hours of a request being made; and retaining an existing requirement for the AFP,
in applications to make or vary a control order, to explain why each condition in the order should or should not be imposed on the person.

The committee has also recommended that the government finalise the appointment of the Independent National Security Legislation Monitor and that the INSLM be tasked with advising on possible additional safeguards for the control order regime to, importantly, take account of both the recent changes to control order legislation and the heightened security environment. The committee has also made a serious of other recommendations aimed at clarifying key terms and retaining existing safeguards in the processes underlying the control order regime.

The measures included in this bill were introduced into the parliament following urgent requests from agencies to fill legislative gaps and to assist in the current fight against terrorism, both in Australia and abroad. Following consideration of its recommendations, the committee has recommended that the bill be passed by the parliament.

I wish to thank the other members of the committee for their cooperative approach to the inquiry and for the ability for the committee to once again come forward to the parliament with a bipartisan list of recommendations. I would also thank the organisations and individuals who participated in the inquiry. I thank them once again, given what were short time frames, for participating in the committee's deliberations. I also thank the secretariat for the very professional and diligent way that they have supported the committee in its works.

I commend the report to the House.

**Carbon Farming Initiative Amendment Bill 2014**

**Consideration of Senate Message**

Bill returned from the Senate with amendments.

Ordered that the amendments be considered immediately.

**Amdt – Senate - Carbon Farming Initiative Amendment Bill 2014**

*Senate Amendments—*

(1) Clause 2, page 2 (at the end of the table), add:

<table>
<thead>
<tr>
<th>3. Schedule 2, Parts 1 and 2</th>
<th>1 July 2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. Schedule 2, Part 3</td>
<td>The day after this Act receives the Royal Assent.</td>
</tr>
</tbody>
</table>

(2) Schedule 1, page 3 (before line 6), before item 1, insert:

**1A Subsection 3(2) (heading)**

Repeal the heading, substitute:

*Climate Change Convention and Kyoto Protocol etc.*

**1B Subsection 3(2)**

Omit "to implement certain obligations that Australia has under", substitute "to remove greenhouse gases from the atmosphere, and avoid emissions of greenhouse gases, in order to meet Australia's obligations under any or all of the following".

**1C Paragraph 3(2)(a)**

Omit "and".

**1D At the end of subsection 3(2)**
Add:

; (c) an international agreement (if any) that is the successor (whether immediate or otherwise) to the Kyoto Protocol.

(3) Schedule 1, item 5, page 6 (after line 22), after section 20C, insert:

**20CA Duration of carbon abatement contracts**

(1) In setting the duration of a proposed carbon abatement contract, the Regulator must have regard to the following matters:

(a) such matters as are specified in the legislative rules;

(b) such other matters (if any) as the Regulator considers relevant.

(2) In exercising the power to make legislative rules for the purposes of paragraph (1)(a), the Minister must have regard to the following matters:

(a) the principle that, in general, the duration of a carbon abatement contract for the purchase of Australian carbon credit units should not be longer than 7 years;

(b) the principle that a longer duration of a carbon abatement contract for the purchase of Australian carbon credit units may be appropriate if the units are, or are to be, derived from an eligible offsets project that has a crediting period of more than 7 years;

(c) such other matters (if any) as the Minister considers relevant.

(4) Schedule 1, item 38A, page 17 (before line 11), before the definition of designated savanna project, insert:

_crediting period extension review_ has the meaning given by section 255A.

(5) Schedule 1, item 65, page 22 (lines 1 to 3), omit the item.

(6) Schedule 1, page 29 (after line 12), after item 96, insert:

**96A Before paragraph 23(1)(h)**

Insert:

(ga) if:

(i) the project is an area-based offsets project; and

(ii) the project area, or any of the project areas, for the project is covered by a regional natural resource management plan;

be accompanied by a statement about whether the project is consistent with the plan; and

(7) Schedule 1, item 107, page 31 (lines 22 and 23), omit "methodology determination that covers the project specifies", substitute "legislative rules specify".

(8) Schedule 1, page 33 (after line 10), after item 114, insert:

**114A After section 27**

Insert:

**27A Suspension of processing of applications for declarations of eligible offsets projects**

Order

(1) The Emissions Reduction Assurance Committee may, by legislative instrument, order that, if:

(a) an application is made under section 22 during a specified period; and

(b) the application relates to an offsets project that is covered by a specified methodology determination;

the Regulator must not:

(c) consider the application during that period; or
(d) make a decision on the application during that period.

(2) A period specified in an order under subsection (1):

(a) must start at the commencement of the order; and

(b) must not be longer than 12 months.

(3) The Emissions Reduction Assurance Committee must not make an order under subsection (1) that relates to a methodology determination unless the Committee is satisfied that there is reasonable evidence that the methodology determination does not comply with one or more of the offsets integrity standards.

(4) Before making an order under subsection (1), the Emissions Reduction Assurance Committee must inform the Minister of the Committee’s proposal to make the order.

Compliance with order

(5) The Regulator must comply with an order under subsection (1).

Timing of decision on application

(6) If an application made under section 22 is or was covered by an order under subsection (1) of this section, subsection 27(14) does not apply to the application.

Note: Subsection 27(14) deals with the timing of decisions on applications.

(9) Schedule 1, item 152, page 43 (line 6), at the end of the heading to subsection 69(2), add "or designated savanna project".

(10) Schedule 1, item 152, page 43 (line 7), after "sequestration offsets project", insert "or a designated savanna project".

(11) Schedule 1, item 152, page 43 (line 14), after "emissions avoidance offsets project", insert "(other than a designated savanna project)".

(12) Schedule 1, item 152, page 46 (line 16), omit "7", substitute "25".

(13) Schedule 1, item 152, page 47 (lines 6 to 10), omit subsection 71(2), substitute:

Crediting period

(2) Despite any other provision of this Part, the crediting period for the project is:

(a) the first crediting period for the project worked out under section 69 as it stood immediately before the commencement of this Part; or

(b) if another period is specified in the applicable methodology determination for the project—that other period that began when the declaration of the project under section 27 took effect.

(14) Schedule 1, item 161, page 52 (lines 12 and 13), omit the item.

(15) Schedule 1, page 52 (before line 14), before item 162, insert:

161A After paragraph 83(1)(a)

Insert:

(aa) the project is an area-based offsets project; and

(16) Schedule 1, item 203, page 58 (line 26), omit "and 70", substitute ", 70 and 71".

(17) Schedule 1, item 204, page 59 (after line 23), after subsection 106(4A), insert:

(4B) The Minister must not make a methodology determination if the Emissions Reduction Assurance Committee has advised the Minister under subsection 123A(2) that the determination does not comply with one or more of the offsets integrity standards.

(18) Schedule 1, item 210, page 61 (after line 20), after subsection 114(7), insert:
(7A) The Minister must not vary a methodology determination so as to extend the crediting periods for the eligible offsets projects covered by the determination unless:

(a) the Emissions Reduction Assurance Committee has advised the Minister under subsection 123A(2) or paragraph 255(hc) that the variation should be made; and

(b) the Emissions Reduction Assurance Committee has not previously advised the Minister under subsection 123A(2) or paragraph 255(hc) that the variation should not be made; and

(c) the determination has not previously been varied so as to extend the crediting periods.

(19) Schedule 1, item 210, page 61 (before line 21), before subsection 114(8), insert:

(7B) The Minister must not vary a methodology determination if the Emissions Reduction Assurance Committee has advised the Minister under subsection 123A(2) that the varied determination does not comply with one or more of the offsets integrity standards.

(20) Schedule 1, item 210, page 61 (line 30), after "(7)"", insert ", (7B)".

(21) Schedule 1, item 218, page 63 (line 23), omit "standard set out in paragraph 133(1)(a)" substitute "standards".

(22) Schedule 1, item 218, page 63 (line 28), omit "standard set out in paragraph 133(1)(a)" substitute "standards".

(23) Schedule 1, page 71 (after line 11), after item 246, insert:

246A Before paragraph 168(1)(k)

Insert:

(ja) if:

(i) the project is an area-based offsets project; and

(ii) the project area, or any of the project areas, is covered by a regional natural resource management plan;

whether the project is consistent with the plan; and

(24) Schedule 1, item 267, page 73 (lines 22 and 23), omit the item.

(25) Schedule 1, item 278, page 75 (after line 12), after paragraph 255(h), insert:

(ha) to undertake crediting period extension reviews;

(hb) to undertake public consultation in relation to crediting period extension reviews;

(hc) to advise the Minister in relation to the outcomes of crediting period extension reviews and any related public consultation;

(hd) to advise the Secretary in relation to the outcomes of crediting period extension reviews and any related public consultation;

(26) Schedule 1, page 75 (after line 14), after item 278, insert:

278A At the end of Division 1 of Part 26

Add:

255A Crediting period extension reviews

(1) For the purposes of this Act, a crediting period extension review means a review of whether a methodology determination should be varied so as to extend the crediting periods for the eligible offsets projects covered by the determination.

(2) In performing the function conferred by paragraph 255(ha), the Emissions Reduction Assurance Committee must have regard to whether the relevant eligible offsets projects would still comply with the offsets integrity standard set out in paragraph 133(1)(a).
(3) In performing the function conferred by paragraph 255(1a), the Emissions Reduction Assurance Committee must conduct such public consultation as it considers appropriate.

(4) In performing the function conferred by paragraph 255(1a), the Emissions Reduction Assurance Committee must ensure that, for each methodology determination, the Committee completes a crediting period extension review before the first point in time when an eligible offsets project covered by the determination starts the last 12 months of its last crediting period.

(27) Schedule 1, page 75 (before line 15), before item 279, insert:

**278B After section 255**

Insert:

**255AA Request for review of methodology determinations**

(1) A person may, by written notice given to the Emissions Reduction Assurance Committee, request the Committee to review one or more methodology determinations under paragraph 255(e).

(2) A request under subsection (1) must be accompanied by a statement that sets out:

(a) the reasons why the methodology determinations should be reviewed; and

(b) if there are any inconsistencies between the methodology determinations and the offsets integrity standards—an explanation of those inconsistencies.

(3) If the Emissions Reduction Assurance Committee receives a request under subsection (1), the Committee must consider whether to undertake a review in response to the request.

(28) Schedule 1, item 387, page 92 (lines 18 to 22), omit subitem (1), substitute:

(1) This item applies if an eligible offsets project is a native forest protection project (within the meaning of the old law), and:

(a) the following conditions are satisfied:

(i) the project existed immediately before the commencement of this item;

(ii) the applicable methodology determination includes one or more provisions covered by paragraph 106(1)(d) of the old law; or

(b) the following conditions are satisfied:

(i) the project became an eligible offsets project after the commencement of this item as the result of an ERF transitional application;

(ii) the project is covered by the Carbon Credits (Carbon Farming Initiative) (Avoided Deforestation) Methodology Determination 2013;

(iii) that determination includes one or more provisions covered by paragraph 106(1)(d) of the old law.

(29) Schedule 1, item 393, page 105 (after line 17), after paragraph (1)(a), insert:

(aa) the Committee or the Department published on the Department's website:

(i) a draft of the methodology determination; and

(ii) a notice inviting the public to make a submission on the draft by a specified time limit (being a time limit of at least 14 days after the notice is published); and

(ab) the Committee considered any submissions that were received within that time limit; and

(30) Schedule 1, item 393, page 105 (after line 27), after subitem (2), insert:

(2A) Section 123D of the new law does not apply to that advice.

(31) Schedule 1, page 106 (after line 4), after item 393, insert:
393A Transitional—advice request given to the Interim Emissions Reduction Assurance Committee

**Scope**

(1) This item applies if, before the commencement of this item:
   
   (a) the Minister requested the Interim Emissions Reduction Assurance Committee to advise the Minister about whether the Minister should make a methodology determination; and
   
   (b) the Committee had not given that advice to the Minister; and
   
   (c) the Committee or the Department published on the Department's website:
      
      (i) a draft of the methodology determination; and
      
      (ii) a notice inviting the public to make a submission on the draft by a specified time limit (being a time limit of at least 14 days after the notice is published).

**Effect of request**

(2) The new law has effect as if the Minister had, immediately after the commencement of this item, made that request to the Emissions Reduction Assurance Committee under subsection 106(10) of the new law.

**Consultation**

(3) The Emissions Reduction Assurance Committee:

   (a) is not required to comply with section 123D in relation to the requested advice; and

   (b) must not advise the Minister to make the methodology determination unless the Committee has considered any submissions mentioned in subparagraph (1)(c)(ii) of this item that were received within the time limit mentioned in that subparagraph; and

   (c) must publish on the Department's website any submissions received within that time limit.

(4) However, the Emissions Reduction Assurance Committee must not publish a particular submission made by a person if the person has requested the Committee not to publish the submission on the ground that publication of the submission could reasonably be expected to substantially prejudice the commercial interests of the person or another person.

(5) A request under subitem (4) must:

   (a) be in writing; and

   (b) be in a form approved, in writing, by the Emissions Reduction Assurance Committee.

**Definition**

(6) In this item:

   *Interim Emissions Reduction Assurance Committee* means the committee that was:

   (a) established under the executive power of the Commonwealth before the commencement of this item; and

   (b) known as the Interim Emissions Reduction Assurance Committee.

(32) Page 120 (after line 12), at the end of the bill, add:

**Schedule 2—Emissions reduction safeguard mechanism**

**Part 1—Main amendments**

*National Greenhouse and Energy Reporting Act 2007*

1 Section 3 (heading)

Repeal the heading, substitute:

3 Objects
2 Section 3
Omit "The object", substitute "(1) The first object".

3 At the end of section 3
Add:

(2) The second object of this Act is to ensure that net covered emissions of greenhouse gases from the operation of a designated large facility do not exceed the baseline applicable to the facility.

4 Section 6A
Before "This Act", insert "(1)".

5 At the end of section 6A
Add:

(2) Despite subsection (1), the safeguard provisions do not apply to a facility in:
   (a) the Greater Sunrise unit area; or
   (b) the Joint Petroleum Development Area.

6 Section 6B
After "This Act", insert "(other than the safeguard provisions)".

7 Section 7
Insert:

1 March, when used in the safeguard provisions, means:
   (a) if the 1 March concerned is a business day—that 1 March; or
   (b) if the 1 March concerned is not a business day—the first business day after that 1 March.

account number, in relation to a Registry account, has the same meaning as in the Australian National Registry of Emissions Units Act 2011.

Australian carbon credit unit has the same meaning as in the Carbon Credits (Carbon Farming Initiative) Act 2011.

avoid, in relation to emissions of greenhouse gases, includes reduce or eliminate.

baseline emissions number has the meaning given by section 22XL.

business day means a day that is not:
   (a) a Saturday; or
   (b) a Sunday; or
   (c) a public holiday in the Australian Capital Territory.

carbon abatement means:
   (a) the removal of one or more greenhouse gases from the atmosphere; or
   (b) the avoidance of emissions of one or more greenhouse gases.

carbon abatement contract has the same meaning as in the Carbon Credits (Carbon Farming Initiative) Act 2011.

covered emissions has the meaning given by section 22XI.

designated large facility has the meaning given by section 22XJ.

Doha Amendment means the amendments to the Kyoto Protocol that:
   (a) were adopted by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, in Decision 1/CMP.8; and
(b) are set out in Annex I to that Decision.

Note 1: The Doha Amendment was adopted in Doha, Qatar, in December 2012.


electronic notice transmitted to the Regulator has the same meaning as in the Australian National Registry of Emissions Units Act 2011.

eligible offsets project has the same meaning as in the Carbon Credits (Carbon Farming Initiative) Act 2011.

excess emissions situation has the meaning given by section 22XE.

financial year, when used in the safeguard provisions, means a financial year that began on or after the safeguard commencement day.

Greater Sunrise unit area has the same meaning as in the Offshore Petroleum and Greenhouse Gas Storage Act 2006.

international agreement means an agreement whose parties are:

(a) Australia and a foreign country; or

(b) Australia and 2 or more foreign countries.

Kyoto Protocol means the Kyoto Protocol to the United Nations Framework Convention on Climate Change done at Kyoto on 11 December 1997, as amended and in force for Australia from time to time.

Note: The Kyoto Protocol is in Australian Treaty Series 2008 No. 2 ([2008] ATS 2) and could in 2014 be viewed in the Australian Treaties Library on the AustLII website (http://www.austlii.edu.au).

monitoring period has the meaning given by section 22XG.

net emissions number has the meaning given by section 22XK.

prescribed carbon unit has the meaning given by section 22XM.

registered holder, in relation to a prescribed carbon unit, means the person in whose Registry account there is an entry for the unit.

Registry means the Australian National Registry of Emissions Units continued in existence under the Australian National Registry of Emissions Units Act 2011.

Registry account has the same meaning as in the Australian National Registry of Emissions Units Act 2011.

responsible emitter has the meaning given by section 22XH.

safeguard commencement day means the day on which Part 3H commences.

safeguard provisions means the following provisions:

(a) subsection 3(2);

(b) section 15B;

(c) section 18AA;

(d) Part 3G;

(e) Part 3H.

safeguard rules means rules made under section 22XS.

surrender, in relation to a prescribed carbon unit, means surrender under section 22XN.

8 Before section 12

Insert:

Subdivision A—Application by a controlling corporation
9 At the end of Division 1 of Part 2

Add:

Subdivision B—Application by a responsible emitter for a designated large facility etc.

15B Application by a responsible emitter for a designated large facility etc.

(1) If:

(a) a person is the responsible emitter for a facility during the whole or a part of a financial year; and

(b) the facility is a designated large facility for the financial year; and

(c) the person is not a controlling corporation;

the person must apply, in accordance with this section, to be registered under this Act.

Note: Under Division 137 of the Criminal Code, it may be an offence to provide false or misleading information or documents to the Regulator in purported compliance with this Act.

(2) However, a person is not required to make an application under subsection (1) if the person is registered under this Act at the end of the financial year.

(3) An application under subsection (1) must be made by 31 August next following the financial year.

(4) An application under subsection (1) must:

(a) be made to the Regulator; and

(b) be in a form approved by the Regulator; and

(c) set out the information specified by the safeguard rules for the purposes of this paragraph.

10 After Division 3 of Part 2

Insert:

Division 4—Registration of other persons

18AA Registration of other persons

(1) The Regulator must register a person under this Act if the person has applied for registration under section 15B.

(2) The Regulator must notify the person, in writing, of the Regulator's decision on the application.

(3) The person is registered under this Act when the Regulator has entered the name of the person on the Register.

11 After paragraph 18B(3)(a)

Insert:

(b) if the person was registered under section 18AA—the person is not likely to be required to give a report to the Regulator under section 22XB at any time during the next 4 financial years; and

12 After Part 3F

Insert:

Part 3G—Reporting obligations of responsible emitters of designated large facilities etc.

22XB Report to be given to Regulator

(1) If:

(a) a person is the responsible emitter for a facility during the whole or a part of a financial year (the relevant financial year); and
(b) at least one day in the relevant financial year is included in a monitoring period for the facility in relation to the person; and

(c) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year are not dealt with by a report given to the Regulator under section 19, 22G or 22X; and

(d) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year are not dealt with by a report given to the Regulator under section 19, 22G or 22X;

the person must, in accordance with this section, provide a report to the Regulator relating to:

(e) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year; or

(f) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year.

Note: Under Division 137 of the Criminal Code, it may be an offence to provide false or misleading information or documents to the Regulator in purported compliance with this Act.

(2) A report under this section must:

(a) be given in a manner and form approved by the Regulator; and

(b) set out the information specified by the safeguard rules for the purposes of this paragraph;

and

(c) be given to the Regulator before the end of 4 months after the end of the relevant financial year.

(3) Safeguard rules made for the purposes of paragraph (2)(b) may specify different requirements for different circumstances.

22XC Records to be kept

(1) If:

(a) a person is the responsible emitter for a facility during the whole or a part of a financial year (the relevant financial year); and

(b) the person is or was required by section 22XB to provide a report to the Regulator relating to:

(i) if the person is the responsible emitter for the facility during the whole of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during the relevant financial year; or

(ii) if the person is the responsible emitter for the facility during a part of the relevant financial year—the covered emissions of greenhouse gases from the operation of the facility during that part of the relevant financial year;

the person must keep records of the person's activities that:

(c) allow the person to report accurately under section 22XB; and

(d) enable the Regulator to ascertain whether the person has complied with the person's obligations under section 22XB; and

(e) comply with the requirements of subsection (2) and the safeguard rules made for the purposes of subsection (3).
(2) The person must retain the records for 5 years from the end of the relevant financial year.

(3) The safeguard rules may specify requirements relating to:
   (a) the kinds of records; and
   (b) the form of records;
that must be kept under subsection (1).

Part 3H—Emissions reduction safeguard mechanism

Division 1—Introduction

22XD Simplified outline of this Part

• This Part sets up a mechanism to ensure that net covered emissions of greenhouse gases from the operation of a designated large facility do not exceed the baseline applicable to the facility.

• The mechanism starts on the safeguard commencement day.

• A facility is a designated large facility for a financial year if the number of tonnes of carbon dioxide equivalence of the total amount of covered emissions of greenhouse gases from the operation of the facility during the year exceeds the number specified in the safeguard rules.

• The net emissions number for a facility for a period is the number of tonnes of carbon dioxide equivalence of the total amount of covered emissions of greenhouse gases from the operation of the facility during the period:
   (a) reduced by surrendered prescribed carbon units (for this purpose, Australian carbon credit units purchased by the Commonwealth are taken to have been surrendered); and
   (b) increased by Australian carbon credit units that were issued in relation to the facility.

• Each designated large facility will be subject to a monitoring period. If, at the end of a monitoring period, the net emissions number for the facility for the monitoring period exceeds the baseline emissions number for the facility for the monitoring period, an excess emissions situation exists in relation to the facility.

• If a person is the responsible emitter for a facility, the person must ensure that an excess emissions situation does not exist in relation to the facility.

Division 2—Limit on emissions

22XE Excess emissions situation

(1) For the purposes of this Act, if:
   (a) there is a monitoring period for a facility in relation to a person; and
   (b) the net emissions number for the facility for the monitoring period exceeds the baseline emissions number for the facility for the monitoring period;

an excess emissions situation exists in relation to the facility for the monitoring period, unless an exemption declaration mentioned in subsection (2) is in force in relation to the facility and the monitoring period.

Note 1: For monitoring period, see section 22XG.
Note 2: For net emissions number, see section 22XK.
Note 3: For baseline emissions number, see section 22XL.

Exemption declaration

(2) The safeguard rules may empower the Regulator to declare in writing that an excess emissions situation does not exist in relation to a specified facility for a specified monitoring period. The declaration is to be known as an exemption declaration.
(3) The safeguard rules must provide that the Regulator may only make an exemption declaration on the application of the person who was the responsible emitter for the relevant facility during the relevant monitoring period.

(4) The safeguard rules must provide that the Regulator must not make an exemption declaration unless the Regulator is satisfied that:

(a) disregarding subsections 22XK(2) and (3), the net emissions number for the relevant facility for the relevant monitoring period exceeds the baseline emissions number for the facility for the monitoring period; and

(b) that excess is the direct result of any or all of the following:

(i) a natural disaster;
(ii) criminal activity;
(iii) circumstances that, under the safeguard rules, are taken to be exceptional circumstances for the purposes of this subsection; and

(c) the responsible emitter:

(i) has taken reasonable steps to mitigate risks of the relevant circumstance referred to in subparagraph (b)(i), (ii) or (iii) resulting in the situation described in paragraph (a); and
(ii) has done so both before and after the occurrence of the circumstance; and

(d) such other conditions (if any) as are set out in the safeguard rules are satisfied.

22XF Duty to ensure that excess emissions situation does not exist

(1) If:

(a) a person is or was the responsible emitter for a facility; and
(b) there is a monitoring period for the facility in relation to the person;

the person must ensure that an excess emissions situation does not exist in relation to the facility for the monitoring period at any time on or after:

(c) if the monitoring period ends at the end of a financial year—1 March next following the financial year; or
(d) if the monitoring period ends during a financial year—1 March next following the financial year.

Civil penalty:

(e) for an individual—one-fifth of the prescribed number of penalty units; or
(f) otherwise—the prescribed number of penalty units.

(2) For the purposes of paragraphs (1)(e) and (f), prescribed number means the number prescribed by the regulations.

(3) In recommending to the Governor-General the regulations that should be made for the purposes of subsection (2), the Minister must have regard to:

(a) the principle that a responsible emitter must not be allowed to benefit from non-compliance, having regard to the financial advantage the responsible emitter could reasonably be expected to derive from an excess emissions situation; and

(b) such other matters (if any) as the Minister considers relevant.

(4) The Minister must take all reasonable steps to ensure that regulations are in force for the purposes of subsection (2) at all times on and after the safeguard commencement day.

Division 3—Key concepts

22XG Monitoring periods
Monitoring period—single financial year

(1) For the purposes of this Act, if:
(a) a person is the responsible emitter for a facility throughout a financial year; and
(b) the financial year is not included in a declared multi-year period for the facility; and
(c) the facility is a designated large facility for the financial year;
the financial year is a monitoring period for the facility in relation to the person.

Note: For declared multi-year period, see subsection (5).

Monitoring period—part of a single financial year

(2) For the purposes of this Act, if:
(a) a person is the responsible emitter for a facility throughout a part of a financial year; and
(b) the financial year is not included in a declared multi-year period for the facility; and
(c) the facility is a designated large facility for the financial year;
the part of the financial year is a monitoring period for the facility in relation to the person.

Note: For declared multi-year period, see subsection (5).

Monitoring period—declared multi-year period

(3) For the purposes of this Act, if:
(a) there is a declared multi-year period for a facility; and
(b) a person is the responsible emitter for the facility throughout the declared multi-year period;
and
(c) the facility is a designated large facility for at least one of the financial years included in the declared multi-year period;
the declared multi-year period is a monitoring period for the facility in relation to the person.

Note: For declared multi-year period, see subsection (5).

Monitoring period—part of a declared multi-year period

(4) For the purposes of this Act, if:
(a) there is a declared multi-year period for a facility; and
(b) a person is the responsible emitter for the facility throughout a part of the declared multi-year period;
and
(c) the facility is a designated large facility for at least one of the financial years included in the declared multi-year period;
the part of the declared multi-year period is a monitoring period for the facility in relation to the person.

Note: For declared multi-year period, see subsection (5).

Declared multi-year period

(5) The safeguard rules may empower the Regulator to declare in writing that, for the purposes of this section, a specified period is a declared multi-year period for a specified facility.

(6) The specified period must consist of 2 or more consecutive financial years.

22XH Responsible emitter

For the purposes of this Act, a person is the responsible emitter for a facility at a particular time if:
(a) the person has operational control of the facility at that time; and
(b) that time occurs on or after the safeguard commencement day.

22XI Covered emissions
For the purposes of this Act, covered emissions of greenhouse gases means scope 1 emissions of one or more greenhouse gases, other than emissions of a kind specified in the safeguard rules.

22XJ Designated large facility
(1) For the purposes of this Act, a facility is a designated large facility for a financial year if:
(a) the total amount of covered emissions of greenhouse gases from the operation of the facility during the financial year has a carbon dioxide equivalence of a particular number of tonnes; and
(b) that number exceeds the number specified in the safeguard rules.
(2) The Minister must take all reasonable steps to ensure that safeguard rules are in force for the purposes of paragraph (1)(b) at all times on and after the safeguard commencement day.

22XK Net emissions number
(1) For the purposes of this Act, the net emissions number for a facility for a period is the number of tonnes of carbon dioxide equivalence of the total amount of covered emissions of greenhouse gases from the operation of the facility during the period.

Reduction—surrender of prescribed carbon units
(2) If:
(a) a number of prescribed carbon units are surrendered on a particular occasion; and
(b) the notice surrendering the units contains a statement to the effect that the units are being surrendered for the purpose of reducing the net emissions number for a facility for a period;
the net emissions number for the facility for the period is reduced (but not below zero) by the number of prescribed carbon units surrendered.

Note: For surrender of prescribed carbon units, see section 22XN.
(3) If:
(a) a person surrendered a number of prescribed carbon units for the purpose of reducing the net emissions number for a facility for a period; and
(b) under the safeguard rules:
(i) there is taken to be an excess surrender situation of the person in relation to the facility for the period; and
(ii) one or more of those units are taken to be covered by the excess surrender situation;
the safeguard rules may provide that this section has effect as if:
(c) the person had not surrendered the prescribed carbon units covered by the excess surrender situation for the purpose of reducing the net emissions number for the facility for the period; and
(d) the person had, at a time ascertained in accordance with the safeguard rules, surrendered, in relation to a later period ascertained in accordance with the safeguard rules, some or all of the prescribed carbon units covered by the excess surrender situation for the purpose of reducing the net emissions number for the facility for that later period.

Increase—Australian carbon credit units that were issued in relation to the facility
(4) If:
(a) a person (the relevant person) was the responsible emitter for a facility throughout a particular period; and
(b) during that period, one or more Australian carbon credit units were issued under the Carbon Credits (Carbon Farming Initiative) Act 2011 in respect of an eligible offsets project; and
(c) some or all of those Australian carbon credit units are attributable to carbon abatement at the facility; and

(d) if the units covered by paragraph (c) were issued to another person:

(i) the relevant person consented to the other person carrying out the project; and

(ii) the consent was given under regulations or legislative rules made for the purposes of paragraph 15(2)(h) or 27(4)(l) of the Carbon Credits (Carbon Farming Initiative) Act 2011;

the net emissions number for the facility for the period is increased by the total number of those Australian carbon credit units.

22XL Baseline emissions number

(1) The baseline emissions number for a facility for a financial year is the number ascertained in relation to the facility in accordance with the safeguard rules.

Note: See also section 22XQ.

(2) The baseline emissions number for a facility for a period other than a financial year is the number worked out using the formula:

Mr HUNT (Flinders—Minister for the Environment) (12:21): I move:

That the amendments be agreed to.

At the last election, the coalition made two commitments to the Australian people: firstly, that we would abolish the carbon tax and, secondly, that we would implement the direct action plan through the Emissions Reduction Fund that is at its heart. The repeal of the carbon tax was the incoming government's first piece of legislation before this parliament. The carbon tax increased electricity and gas prices for Australian households, was a greater than $15 billion drag on Australian businesses over its first two years and fundamentally failed in its primary task.

The government has delivered on this commitment. Repeal of the carbon tax led to the largest reduction in household electricity prices on record. Nearly five years ago the coalition also announced our plan to tackle climate change through the Emissions Reduction Fund that is at its heart. The repeal of the carbon tax was the incoming government's first piece of legislation before this parliament. The carbon tax increased electricity and gas prices for Australian households, was a greater than $15 billion drag on Australian businesses over its first two years and fundamentally failed in its primary task.

The government has delivered on this commitment. Repeal of the carbon tax led to the largest reduction in household electricity prices on record. Nearly five years ago the coalition also announced our plan to tackle climate change through the Emissions Reduction Fund that is at its heart. The repeal of the carbon tax was the incoming government's first piece of legislation before this parliament. The carbon tax increased electricity and gas prices for Australian households, was a greater than $15 billion drag on Australian businesses over its first two years and fundamentally failed in its primary task.

The Emissions Reduction Fund

The fund is the centrepiece of the government’s approach to reducing greenhouse gas emissions. It implements a new, long-term framework for stable and sustainable climate change policy in Australia. It is my view that this will lay the foundation for a system for the next 20 to 30 years, if not beyond.

The Emissions Reduction Fund is a major environmental program as well as a major investment in emissions reductions. The $2.55 billion contained within the fund is an opportunity for community and environmental projects and for businesses and farmers to participate in emissions reductions across the country. Unlike the carbon tax, which punishes business, the Emissions Reduction Fund will create positive incentives for businesses, households and farmers to undertake practical projects to reduce emissions and unlock co-benefits.
Passage of this bill will provide a future for the more than 170 existing Carbon Farming Initiative projects. Without this bill those projects would be at risk. It also will see the benefits of the fund extend to all sectors of the economy. For example, the fund will support energy efficiency projects to reduce business and household costs; or land sector projects that help reduce erosion, improve water quality or protect biodiversity, where they are underpinned by a reduction in overall emissions. It will support projects in the transport sector; projects to capture waste coal mine gas; projects to clean up power stations; or strategic burning of savannah lands by Indigenous and other groups.

Acknowledgements

I want to acknowledge that the bill passed through the Senate on 31 October with amendments. For that, I would like to thank the Palmer United Party. I particularly want to thank Senator Xenophon, Senator Madigan and Senator Muir, Senator Wang, Senator Lazarus and Senator Lambie for their support and constructive contributions.

I also want to acknowledge the work of the department and the Clean Energy Regulator, led by Chloe Munro. Within the department I acknowledge Steven Kennedy, for his extraordinary work, Shayleen Thompson, James White, Kushla Munro, Kristin Tilley, Hilton Taylor, Peter Nicholas, Trevor Power—as the initial architect of our proposal—Maya Stuart Fox, Tas Sakellaris and all of the officers within the Emissions Reduction Fund division within the environment departments. Within my own office I acknowledge the extraordinary and unparalleled work of Temay Rigzin and Alex Caroly, my chief of staff Wendy Black, Sarah Meredith. Also, within the Prime Minister's office I acknowledge the strong and unswerving support of Sarah McNamara and Peta Credlin. Their assistance was essential.

The government's view has been clear and consistent. We accept and embrace the science of climate change. We remain firmly committed to our national emissions reduction targets in relation to 2020. These target represents a substantial effort and, as I indicated last week, are comparable to other advanced economies. We will support international actions as we head towards the Paris conference, and we want a good global agreement. Australia has a track record of delivering on its emissions targets and we will achieve this as well.

Fundamentally, we believe that there is a better way to reduce emissions than through a punitive tax on electricity. This is why we are delivering on the Emissions Reduction Fund. At the end of the day we commend this bill to the House. We commend the amendments to the House. We can reduce emissions, but we can do it without a carbon tax.

Mr Butler (Port Adelaide) (12:26): It is probably no surprise to the House that the opposition still does not support this hopelessly flawed bill, in spite of the minister's valiant advocacy for the bill post the amendments in the other place. It is still very clear that the best response to climate change in this country would have been an emissions trading scheme—the emissions trading scheme that the Labor Party has been advocating since before the last election. I would invite members to go and examine the difference between a carbon tax and an emissions trading scheme, and examine the views of economists and climate scientists here in Australia and around the world, who—almost to a person—agree that a legal cap on carbon pollution that reduces over time, in accordance with our international commitments, that lets business work out the cheapest and most effective way to deal with that cap, is the most effective way to respond to climate change.
It is an irony that this bill returns to this House after the government has had an absolute shocker of a fortnight in this policy area—an absolute shocker of a fortnight. Frankly, the Prime Minister has only himself to blame. He could have facilitated an adult, mature conversation around climate change in the context of the G20, where leaders were able to come together and debate their differences of view. Obviously, when you are talking about the 20 largest economies in the world, there are diverse views about how best to respond to this global challenge. But, no; instead of facilitating an adult, constructive dialogue among the 20 largest economies in the world, the Prime Minister tried to shut it down. He tried to shut it down for months.

And didn't that work wonderfully! Didn't it work wonderfully as country after country—some of our closest friends and partners—lined up to say Australia should do more? They lined up, for example, to say that maybe Australia should contribute to the Green Climate Fund, which I think has about 23 nations contributing to it now, including pretty much every one of our closest developed trading partners: all of the G7, including Japan, as well as New Zealand and South Korea. Even Canada, who the Prime Minister likes to enlist as a fellow traveller on the issue of climate change, is contributing to this GCF.

But apparently Australia—through the Prime Minister—and Saudi Arabia were the two nations within the G20 seeking to exclude any reference to the GCF from the G20 communiqué. Unfortunately, the foreign minister got roped into being a part of this shocker of a fortnight that we have had. Against what was quite an unextraordinary set of comments that the President of the United States made about the one of the seven natural wonders of the world, what did the Minister for Foreign Affairs say?
The foreign minister said: 'No, no; the Great Barrier Reef is not under threat from climate change'—in spite of the advice that we get from pretty much every single reef scientist. I say 'pretty much' to be generous. I have not come across a reef scientist who does not agree that the greatest long-term threat to the Great Barrier Reef is the threat of climate change. You only need to read page 1 of the GBRMPA Outlook Report, which the Great Barrier Reef Marine Park Authority published this year. It is a five-yearly outlook. As always, this government not only seeks to shut down debate within a forum like the G20 but also seeks to downplay the impacts of climate change, including on one of the seven natural wonders of the world, for which Australia has such a clear and direct responsibility.

As I said, this bill remains a hopelessly inadequate response. Carbon market analysts RepuTex repeated their view that only as much as 20 to 30 per cent of Australia's abatement task—just assuming a five per cent target by 2020—will be achieved through this policy. Ross Garnaut, supported by Ken Henry, the former secretary of the Treasury, earlier this year said that to get to the five per cent target the government would have to spend $4 billion to $5 billion each year of taxpayer funds, handed over to companies, just to get to the five per cent reduction target—an additional $20 billion or so on the Commonwealth budget by 2019. It is no wonder that the member for Wentworth described in memorable terms this policy as 'a recipe for fiscal recklessness on a grand scale'. This bill, even with the amendments that the minister is proposing today, will simply not achieve its objectives.

The DEPUTY SPEAKER (Mr Vasta): I understand it is the wish of the House that it consider the amendments together.

Mr HUNT (Flinders—Minister for the Environment) (12:31): I move:
That the amendments be agreed to.

Question agreed to.

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

Question agreed to.

Australian Citizenship and Other Legislation Amendment Bill 2014

Debate resumed on the motion:

That this bill be now read a second time.

Mr VARVARIS (Barton) (12:29): I rise to support the Australian Citizenship and Other Legislation Amendment Bill 2014 and add my contribution to the parliamentary secretary's remarks on the three themes of these reforms: strengthening program integrity, underlining the importance of connection to Australia and improving decision making.

It is an honour to address the chamber on the 65th anniversary of Australian citizenship. The inauguration of the Australian Citizenship Act 1949 was a key marker of our development as a fully-fledged, independent country, accepting migrants on its own terms. Through our strong Australian citizenship program, Australia has seen such notable national treasures as renowned ballet dancer Li Cunxin, Aussie rock legend Jimmy Barnes, and South African born author JM Coetzee, who have come to our shores and contributed immeasurably to our national life. Citizenship is the tool by which we invite the best and brightest from all over the world to join our national story and contribute to our shared community life. For that reason, it should be treasured, celebrated, and upheld. In the succeeding 65 years, our nation has been strengthened by the diverse contribution of those from all walks of life. However, in our diversity, a common thread of commitment to Australian values such as mateship, egalitarianism and a fair go for all unites us in our citizenship. We must uphold the strength and integrity of Australian citizenship so that we can preserve it as the significant treasure in our national life that it has been over the past 6½ decades.

It is a treasure from which my electorate of Barton has benefited immensely, with 48.3 per cent of people resident in the electorate born outside of Australia. Many of these residents have fully embraced Australian life by adopting Australian citizenship. Those in my electorate who were born overseas and who have attained Australian citizenship are always expressing to me the high value they place on the decision to bring them into the fold of this community. None take their citizenship likely. All see the assumption of citizenship as an expression of devotion to that country and as a willingness to build the nation and to become a full and proud member of a community.

It is because of this high value that we place on citizenship and the immense treasure it has represented in our modern life that we must, in our discussions around Australian citizenship, never forget three clear principles. The first is that citizenship is not merely a marker of our diversity and difference; it is a sign of a common inheritance and a commitment to shared values. The second is that Australian citizenship is a privilege, not an entitlement. It should not be seen as an automatic outcome of the migration process, but a special and specific recognition that an individual shares in our common life as Australians. The third is that, when it is granted by other than descent, Australian citizenship is not granted unconditionally but is granted because of adherence to certain conditions and character requirements. If it arises that these conditions were never met, it is open to the Minister for Immigration and
Border Protection to revoke citizenship. These three principles guide the amendments to the act, which were ably presented to the chamber by the Parliamentary Secretary to the Minister for Communications.

The value and effectiveness of the Australian citizenship program are no accident; they are the direct outcome of an appropriately strict and strong set of requirements and processes. These requirements have evolved naturally over many decades and have been maintained by successive departments and ministers of immigration. These requirements have built an immigration program with a balance between compassion for the needy and an unapologetic aim to serve the national interest and to seek out the best from all over the world—visitors, investors and skilled workers. Ultimately, these requirements have built a strong immigration system, which is the envy of the world. It is a constant task for the government of the day, as the custodian of the path to Australian citizenship, to make incremental adjustments to our citizenship program to maintain and increase its value. This is especially the case in light of concerning cases or loopholes, which may have come to light.

I would like to comment briefly on the three themes to which the parliamentary secretary alluded—all of which combine to uphold the value of Australian citizenship. The first theme was that of strengthening program integrity. Upholding the integrity of the Australian citizenship program is the truest safeguard of its value. The integrity of the program means that honesty, straightforwardness and documentation are kept to a gold standard so that the Australian community can be absolutely confident of the veracity and trustworthiness of those we welcome into our fold. The Australian community must be rock-solid certain that newcomers arrive and proceed in good faith. The integrity of the program ensures that regulations are never relaxed by default and that good character requirements are enforced in line with common sense and basic decency. In cases where the applicant has lied, committed a serious criminal offence and, in the minister's eyes, is contrary to the public interest, the minister is able to revoke citizenship. By the initiative of this bill, this power will be extended to cases in which the minister is not satisfied of the identity or honest representation of the applicant's claims and believes it to be in the public interest to revoke citizenship. The strictness of these amendments and the added discretionary power available to the Minister for Immigration and Border Protection are a reflection of the fact that this government aims to be in line with the high community standards and expectations that the Australian public places upon citizenship.

The coalition understands that as a nation built by migrants, Australian citizenship is representative of the hard work, good character and passion for this country that successive generations have brought to Australia. Far more than a label or a piece of paper, citizenship is viewed with a strong sense of respect and value. The Australian public is unapologetic in the sense of strictness that it wants to see applied to the reception of new citizens and wants to be assured that its government is bringing in the brightest and the best to our shores in line with an appropriate sense of high standards.

These amendments ensure the integrity of our Australian citizenship program by amending offence provisions to reflect modern sentencing practices so that the policy intent of our regulations is not undermined by the fact that sentencing often makes use of alternative means of penalties, such as home detention. Furthermore, these changes to the act will add integrity to identity and fraud regulations, meaning that the minister can delay the pledge of allegiance
and cancel approval in cases in which he is no longer satisfied that identity and national security requirements have been met.

Another exemplary feature of this bill is its strengthening requirements around citizenship in cases of overseas adoption. The Prime Minister's personal commitment to a simplification of citizenship granted to the adoptive children of Australian citizens ought to be commended. This initiative will only be strengthened by the relevant amendments in this bill. The amendments in question will ensure that only genuine adoptions that began before the adoptee in question turned 18 will result in automatic Australian citizenship so that the system is not taken advantage of.

Another common sense amendment to the act is the inclusion of applicants under 18 years of age in the consideration of good character requirements. The Australian community has faced issues with automatic citizenship for 16 and 17 year olds with serious character concerns. There is no reason that we, as the host country, should not be able to exclude seriously-criminal individuals from our national community, because they are 16 or 17 years old and at an age, where they can assume full criminal responsibility for their character and conduct. All in all, strengthening program integrity will ensure that the conferral of Australian citizenship is never devalued or brought into disrepute due to compromise of our standards of decency and good character.

The second theme is underlining the importance of a connection to Australia. The clarification of the general residence requirement and the exact delineation of when it commences will be useful to clients and officers of the Department of Immigration and Border Protection alike in simplifying and clarifying this requirement. It is impossible to overemphasise the importance of the residence requirement and the very limited circumstances in which it may be waived. It is almost never possible to truly consider a country home if you have not been settled there in a genuine sense for fewer than four years. As the parliamentary secretary made very clear, you must spend a sufficient amount of time in this country to really understand what being Australian means. After all, you cannot learn what it is to be Australian through theoretical study or a sense of external admiration, but through true participation and residence within the Australian community. Citizenship is not an aspiration to be part of the Australian community; it is a recognition that the applicant is already part of that shared life.

Furthermore, the parliamentary secretary made the important point that citizenship is always about a connection to Australia; it is not merely about a connection to an Australian. Partner visas must be considered within this context, and this is a non-negotiable requirement. This connection must always be seen in the context of the clear requirement of lawful residence. If the applicant has been resident in Australia until their 10th birthday but in an unlawful fashion, the assumption of Australian citizenship will no longer be automatic. Furthermore, if the minor in question is in Australia due to his or her parents' consular privileges and immunities, they will not be considered to be ordinarily resident in Australia, but rather here for a temporary period under special circumstances. On the other hand, this bill will grant the minister further discretion in a case where a citizen by descent has been later found to be invalidly registered. The bill will improve such a person's legal position by granting the minister discretion to preserve the citizenship of such individuals where their particular circumstances compel his discretion. Such a change makes it clear that this bill is
not about blindly excluding individuals from citizenship but making it easier for an individual's character and set of circumstances to inform whether or not they become or remain citizens. The clearing up and tightening of these requirements and situations which commonly arise will strengthen our program to ensure that the policy intent that underpins the notion of citizenship is ratified in our legislative framework.

The third theme is improved decision making. One important area of reform within this bill is the strengthening and protection of ministerial discretion. In a system where decisions are largely made according to a strict set of regulations, it is invaluable to have a decision maker at the apex of our immigration structure with the ability to make binding decisions in light of the public interest which are not subject to merits review. The minister's personal decisions which are made in the public interest are a fitting exercise of executive power that has a clear role to play in our system. It is considered by the government that the minister, in his power to make final discretionary decisions, should be able to set aside Administrative Appeals Tribunal decisions. This is especially important to incorporate into the act in light of recent matters of concern in which individuals who have committed child sexual offences, people smuggling and domestic violence offences have been described as being of 'good character'.

The truth is that if individuals have committed serious criminal offences or seriously defrauded us as the Australian government or the Australian community, there is always an honest, hardworking and contributing individual willing to take a criminal's place within our community. As Australia, and as the Lucky Country, there is never any need for us to relax our strict requirements for good character.

Improving the discretion of the minister in these cases will strengthen our insistence upon these unabashedly high standards for applicants with a criminal history. The changes which will be made in light of this area of concern, in combination with the fact that the resources of the Administrative Appeals Tribunal have been increasingly tied up by unfounded review applications, will clarify the roles of the tribunal and the minister so that we can better uphold the value of Australian citizenship.

Only judicial review will be available for final and personal decisions made by the minister, which is entirely fitting and appropriate. Furthermore, the minister will be able to authorise legislative instruments himself so as to circumvent the need to make changes to citizenship regulations every six months. This will save significant legislative time and trim red tape so that the minister can get on with making simple technical changes in areas such as currencies and exchange rates as efficiently as possible.

Ultimately, the amendments to this act as guided by these three themes—and the principles of citizenship as a common inheritance; citizenship as a privilege, not a right; and the fact that citizenship which is granted is able to be taken away—will serve to uphold the value of our invaluable Australian citizenship program. If we uphold the value of Australian citizenship, we can continue to build this nation to be exactly what we want it to be, cementing the confidence of the Australian community, who want to see the brightest and the best from many diverse origins come to our shores to strengthen our prosperous, open nation even further in the decades to come. I commend the bill to the House.

Mr MORRISON (Cook—Minister for Immigration and Border Protection) (12:46): I thank members for their contributions to the second reading debate on the Australian Citizenship and Other Legislation Amendment Bill 2014. The purpose of this bill is to support
the integrity and effectiveness of the citizenship program by providing a clear legislative framework to underpin the government's policy that Australian citizenship is a privilege which should not be taken lightly. We should not be setting low bars for people who want to become citizens of Australia. There should be a high bar to be a citizen in the greatest immigration country on the planet. If you want to go and become a citizen then the standards are high, and we should always ensure they are kept high, and that is not achieved by becoming complacent about the standards and the administration of those standards. You must be ever-vigilant on these things.

The way you invest in the value of citizenship in this country is to invest in its integrity, not just with financial resources but, most importantly, in the laws that underpin its integrity and the measures that are put in place to administer that integrity. What this bill does is strengthen the program's integrity, and it underlines the importance of connection to Australia and improved decision makings to support Australia making better decisions about who gets to become a citizen in the best immigration country on earth.

In addressing program integrity, the bill expands the minister's power to revoke citizenship when satisfied that the person became a citizen as a result of fraud or misrepresentation, by allowing revocation without a prior criminal conviction or for fraud. In line with other revocation provisions, the minister must be satisfied that it would be contrary to the public interest for the person to remain a citizen.

The bill ensures that all applicants for citizenship must meet the good character requirement, regardless of age. It also promotes consistency by providing that this bar on approval in circumstances related to criminal offence will apply to applicants for citizenship by descent, adoption under the Hague convention on intercountry adoption, and resumption in the same way as it applies to applicants for conferral. In addition, the bill amends the offences provisions to reflect modern sentencing practices. The current offences provisions were largely carried over from the 1948 Citizenship Act—time for an update.

The bill amends the power to cancel approval of citizenship by conferral prior to the pledge of commitment being taken to meet current challenges to program integrity. It also extends the maximum period of time where a minister can delay an applicant making the pledge of commitment from 12 months to two years, recognising that investigations into whether there are grounds for cancellation can take longer than 12 months. It creates the time and space for ministers to protect the integrity of citizenship in this country. That is what it is there for. The bill inroduces safeguards to the provision giving automatic citizenship to those whose adoptions are finalised in Australia by requiring such adoptions to be commenced before the applicant turns 18.

The second theme is the underlying importance of connection to Australia, not just an Australian. The residence requirements are an important way of ensuring that applicants for citizenship by conferral have a significant connection to Australia—the country—to understand what being an Australian means. The bill clarifies a number of aspects concerning these requirements, including the start date for the necessary four-year period of residence and the scope of the ministerial discretion to allow overseas absences to count towards the residence requirement for spouses and de facto partners of Australian citizens.

The bill amends the provisions in the act which enable children to acquire citizenship automatically if they are born in Australia and ordinarily resident here until their 10th
birthday. The bill also amends the provision giving citizenship to children found abandoned in Australia so that it is consistent with the original policy intent, which is to reflect Australia's international obligations under the 1961 Convention on the Reduction of Statelessness.

The bill improves the legal position of citizens by descent who are registered as Australian citizens but later found not to have been eligible to be so registered by repealing the automatic loss of citizenship and replacing it with a discretion for the minister to revoke citizenship. This would allow the circumstances of the particular case to be taken into account when deciding if citizenship of such a person should be revoked.

The bill improves decision making in a number of ways. The bill proposes to enable the minister to make a legislative instrument to prescribe the holder of a certain visa to be able to apply for citizenship by conferral offshore. It is envisaged that the subclass 102 adoption visa will be prescribed. Children adopted by Australian citizens can sometimes have difficulty acquiring a travel document prior to travel to Australia if they are not yet an Australian citizen. To ensure that the use and disclosure of personal information within the department complies with the requirements of the Privacy Act 1988, the bill provides that personal information collected under the Migration Act may be used and disclosed for the purposes of the Australian Citizenship Act, and vice versa.

The bill aligns the merits review requirements for conferral applicants aged under 18 with the relevant requirements for citizenship by conferral, to prevent unfounded review applications. On occasion the minister makes personal decisions under the act. The bill makes it clear that the minister can specify that such a decision is made in the public interest and protects these decisions from merits review. Judicial review will remain available. In any judicial review action the court would consider whether or not the power given by the citizenship act had been properly exercised in accordance with the power conferred by this parliament.

The bill provides the minister with the power to personally set aside certain decisions of the AAT, if it is in the public interest to do so. Some decisions that have been made by the AAT have led to outcomes that are outside the community standard that citizenship policy is intended to meet. These have included occasions where the AAT has found that people were of good character despite having been convicted of child sexual offences, of manslaughter, of people smuggling or indeed of domestic violence. There should be no excuse for a minister to allow someone to become a citizen in such circumstances. To just blame the tribunal and the courts and say, 'I have no power to deal with that,' should be remedied, and it is being remedied in this bill.

Those who oppose this particular measure want to take the easy option. They want to take the light option and not have the accountability of the minister having to decide in circumstances such as these that they would allow one to go through to the keeper with someone of poor character, as has occurred before with people who have been convicted of child sexual offences, domestic violence, manslaughter and people smuggling—just to say that it is all too hard: 'The tribunal said this and there is nothing I can do.' Those who oppose this measure are saying that they do not want to have to make those calls on behalf of the Australian people. If you are not prepared to make that sort of a call as the immigration minister and the minister responsible for citizenship, you have no business applying for the job. That is why I have put these measures in here. These measures are in this bill because the
minister, who is accountable to the people of Australia through our democratic process, has a responsibility to make decisions to protect the integrity of citizenship. This government is not going to subcontract that out to someone else. We were elected to deal with those matters and we should hold the accountability of those things very carefully and very responsibly. We must be accountable for the decisions we make on these matters.

This is a critical reform and it deserves support. I am surprised that some have considered not supporting the bill for this reason. We will know the opposition's position on that very shortly. But if you are going to be a minister responsible for citizenship then you need to protect it and you need to vote for measures that would enable ministers of either party, of any background, to be able to take the actions the public would expect them to. So, if this bill is opposed and is ultimately not passed, and any future minister who has voted on this bill says, 'There is nothing I can do about it, because I do not have the power,' they have the ability right here and right now to get that power for the minister, whoever they may be, to protect Australian citizenship. We will find out shortly where the Labor Party sits on that matter.

The amendments in this bill protect the minister's personal decisions from merits review and allow the minister to set aside decisions of the AAT in certain circumstances. It will bring the minister's powers under the Australian Citizenship Act in line with similar provisions under the Migration Act. So the power created here is no different to the power that is established under the Migration Act in relation to visa on character issues, as well. Why would we have a lower standard, a lower protection, for citizenship than we actually have for visas and permanent residency? Why would we choose to have a lower bar than having the opportunity of a higher bar? This bill is about having a higher bar and we will see where those opposite sit on that question. Finally, the bill provides the minister with the power to make legislative instruments that may cover issues such as the currencies and exchange rates for fee payment, eliminating the need to amend the citizenship regulations every six months.

In conclusion I remind members that Australian citizenship is an important common bond for all Australians, whether Australians by birth or by choice, whether Indigenous or non-Indigenous, and of recent migrant heritages or of generational migration heritage. It lies at the heart of a unified, cohesive and inclusive Australia. Our best defence against foreign or domestic enemies is our social resilience and our cohesion as a country. We are the best immigration country on earth. That is our best defence against those who would seek to undermine the cohesiveness of this society. That cohesiveness is based on the ability to come and make a contribution and not take one or expect one. Citizenship is about signing up to that value to join the generations who have gone before and built this country, going back to Indigenous times. It is saying that by becoming a citizen we are going to inherit their legacy and we are going to continue it. We are going to continue it by continuing to make a contribution for future generations of Australians. The people who sign up to that or have it by birth have a great responsibility. It is up to the government to ensure that the integrity of that great gift, whether we attain it by birth or by oath, is upheld and is protected at every opportunity. That is what this bill does. Citizenship is a unique symbol of formal identification with Australia, acknowledging responsibilities and conferring substantive privileges that allow people to participate fully in our community.

These amendments uphold the value of Australian citizenship by preserving the integrity of the program, and those who would oppose it are opposing increasing the integrity and
investing in the integrity of this program. These amendments uphold the value of citizenship. They will also ensure the connection between and applicant and Australia, not just an Australian. Helping them to understand the heritage we share as citizens, an inheritance that is ours to steward, to protect and enjoy, as Australians all. I commend the bill to the chamber.

The DEPUTY SPEAKER: The question is that the bill be now read a second time.

The House divided. [13:03]

(The Deputy Speaker—Mr Vasta)

Ayes ................. 82
Noes ................. 49
Majority ............. 33

AYES

Alexander, JG  Andrews, KJ
Baldwin, RC    Billson, BF
Bishop, JI     Briggs, JE
Broad, AJ      Broadbent, RE
Brough, MT     Buchholz, S (teller)
Chester, D     Christensen, GR
Ciobo, SM      Cobb, JK
Coleman, DB    Coulton, M (teller)
Dutton, PC     Entsch, WG
Fletcher, PW   Frydenberg, JA
Gambino, T     Gillespie, DA
Goodenough, IR Griggs, NL
Hartasuyker, L Hawke, AG
Henderson, SM  Hendy, PW
Hogan, KJ      Howarth, LR
Hunt, GA       Hutchinson, ER
Jensen, DG     Jones, ET
Joyce, BT      Keenan, M
Kelly, C       Laming, A
Landry, ML     Laundy, C
Ley, SP        Macfarlane, IE
Marino, NB     Markus, LE
Matheson, RG   McCormack, MF
McGowan, C     McNamara, KJ
Morrison, SJ   Nikolic, AA
O'Dowd, KD    Pasin, A
Pitt, KJ       Porter, CC
Prentice, J    Price, ML
Pyne, CM       Ramsey, RE
Randall, DJ    Robb, AJ
Robert, SR     Roy, WB
Ruddock, PM    Scott, BC
Scott, FM      Simpkins, LXL
Smith, ADH     Southcott, AJ
Sudmalis, AE   Sukkar, MS
Taylor, AJ     Tehan, DT
Tudge, AE      Turnbull, MB
Van Manen, AJ  Varvaris, N
Whiteley, BD   Wicks, LE
Williams, MP  Wilson, RJ
AYES

Wood, JP
Wyatt, KG

NOES

Albanese, AN
Bird, SL
Brodtmann, G
Burke, AS
Butler, TM
Chalmers, JE
Chesters, LM
Claydon, SC
Conroy, PM
Elliot, MJ
Feeney, D
Fitzgibbon, JA
Hall, JG (teller)
Jones, SP
Leigh, AK
MacTiernan, AJGC
Neumann, SK
O'Neil, CE
Parke, M
Plibersek, TJ
Rishworth, AL
Ryan, J (teller)
Swan, WM
Thomson, KJ
Zappia, A

Bandt, AP
Bowen, CE
Burke, AE
Butler, MC
Byrne, AM
Champion, ND
Clare, JD
Collins, JM
Danby, M
Ellis, KM
Ferguson, LDT
Gray, G
Husic, EN
King, CF
Macklin, JL
Marles, RD
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Snowdon, WE
Thistlethwaite, MJ
Wilkie, AD

Question agreed to.

Third Reading

Mr MORRISON (Cook—Minister for Immigration and Border Protection) (13:12): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr FEENEY (Batman) (13:13): I rise to speak on the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. The bill contains a range of measures to improve Commonwealth criminal justice arrangements. Once again, the Abbott government is busy implementing Labor reforms to disguise the fact that it comes to this
parliament with a pitiful legislative agenda of its own. Nonetheless, I commend the government on bringing this bill before the House and building on the work that the former Labor government did in this very important public policy area.

The opposition supports the intent of this bill, and that intent includes amendments to ban the importation of all substances that have a psychoactive effect that are not otherwise regulated or banned; to ensure that Australian Customs and Border Protection officers have appropriate powers to stop these substances at the border; to correct an error in the definition of a minimum marketable quantity in respect of a drug analogue of one or more listed border controlled drugs; to introduce new international firearms trafficking offences amending existing cross-border firearms offences; to streamline the international transfer of prisoners regime within Australia and to clarify the processes therein involved; to amend certain slavery offences and to clarify they have universal jurisdiction; and, finally, to validate access by the Australian Federal Police, the AFP, to certain investigatory powers in designated state airports.

The bill comprises six schedules. Schedule 1 of the bill will implement amendments that have been under development for some time and were first announced by the former Labor government in June 2013. It represents the Commonwealth legislative component of a broader national response to new psychoactive substances developed by the Intergovernmental Committee on Drugs—the IGCD—and endorsed by Commonwealth, state and territory ministers at the Law, Crime and Community Safety Council on 4 July 2014.

As outlined in the IGCD document, there are at least two overseas schemes that also incorporate a reverse onus component, those being in New Zealand and in Ireland. The scheme proposed in this bill is similar to that used in Ireland. Schedule 1 will amend the Criminal Code Act 1995 and Customs Act 1901 to strengthen the Commonwealth’s ability to respond to new and emerging illicit drugs, also known as new psychoactive substances. New psychoactive substances are designed to mimic the psychoactive effects of known illicit drugs, but their chemical compositions are not captured by existing controls on those drugs. There is evidence that manufacturers design the chemical structures of psychoactive substances to avoid those controls and prohibitions. As we know, sadly, crime is an adaptive adversary, and our legislative regime must be constantly adaptive to fighting crime. This is why this bill is so important, because time and time again we see manufacturers of illegal psychoactive substances changing the formula and changing the structure of their drugs so as to avoid and evade law enforcement. This bill will go a long way to making sure that that dreadful game comes to an end.

The amendments in Schedule 1 will fill the regulatory gap between when psychoactive substances first appear and when they are controlled under other parts of the Criminal Code or under the prohibited imports regulations. They will ensure that new psychoactive substances cannot be imported while the government assesses their harms and considers the appropriate controls to place upon them. The measure takes a precautionary approach to dealing with psychoactive substances. This is intended to work in parallel with and not to replace any of the existing schemes which regulate the importation of both illicit drugs and substances with a legitimate use into Australia.

Schedule 1 will, firstly, introduce an offence into the code for importing a psychoactive substance that does not have a legitimate use or which is not already prohibited. Secondly, it
will introduce an offence into the code of importing a substance where its presentation contains a representation that it has the same effects as or substantially similar effects to a serious drug or that it is a lawful alternative to a serious drug. Thirdly, it will amend the Customs Act to allow the Customs and Border Protection Service and Australian Federal Police officers to exercise appropriate administrative powers to search for, to detain, to seize and even to destroy substances that are prohibited under the new offences in the Criminal Code.

The rationale for restricting NPS is the same that applies to other drugs: to reduce the harms that are associated with them. NPS are often marketed as legal highs, and they can often be found professionally packaged, which may give citizens the impression that they are safer to use than illicit drugs with similar effects. But very little is known about their health impacts, most particularly their longer term impacts.

Schedule 2 will implement amendments to expand existing Commonwealth firearms offences to cover firearm parts as well as whole firearms, which were previously included in the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012, which, again, is a piece of legislation introduced into this place by the former Labor government but which lapsed ahead of the 2013 federal election. Schedule 2 will create new international firearms offences of trafficking prohibited firearms and firearm parts into and out of Australia—the new division 361 of the code. It will extend the existing offences of cross-border disposal or acquisition of a firearm and the taking or sending of a firearm across borders within Australia, and it will introduce a mandatory minimum five-year term of imprisonment for the new offences in division 361 and existing offences in division 360 of the code.

Mandatory minimum sentences are uncommon in Australian law. The maximum penalty in legislation introduced by the previous Labor government, which, as I said, lapsed upon the dissolution of the House of Representatives prior to the last election, was life imprisonment. This is not uncommon for such a serious offence. As foreshadowed in the comments in the Senate Legal and Constitutional Affairs Legislation Committee Report, Labor has concerns about the introduction of a mandatory minimum sentencing regime and will have more to say during consideration in detail.

Schedule 3 will amend the International Transfer of Prisoners Act 1997—the ITP Act—which governs Australia's International Transfer of Prisoners scheme. The ITP scheme aims to promote the successful rehabilitation and reintegration into society of a prisoner, while preserving the sentence imposed by the sentencing country insofar as it is possible. This is a voluntary scheme, and it requires the consent of the prisoner, the Australian Attorney-General, the relevant transfer country and, where applicable, the relevant Australian state or territory to or from which the prisoner wishes to transfer.

Since the ITP scheme has been in place, it has become clear that improvements to the Act are required to clarify and streamline the process, to make the scheme more straightforward, to operate more efficiently and to reduce unnecessary burdens on the resources required to process ITP applications. The amendments in this schedule seek to address those issues, with the effect being timelier processing of applications, a reduced resource burden and improved usability of the legislation by prisoners, while still maintaining due process and prisoners' rights.
The amendments in Schedule 3 will achieve a number of objectives. They will remove the requirement for the Attorney-General to make a final decision where a transfer cannot proceed due to an application not meeting all requirements under the ITP Act. It will impose a one-year time limit on re-applications from prisoners whose applications are refused or who have withdrawn their applications. It will clarify that prisoners with suspended sentences may be transferred under the ITP scheme. It will clarify that a prisoner who wishes to transfer to Australia may apply for transfer either to the country in which they are serving their sentence or directly to Australia. It will clarify that the date upon which the assessment of dual criminality is based is the date the application for transfer is received. It will clarify that the definition of 'joint prisoner' includes a prisoner who was convicted in one or more Australian states or territories. It will clarify that the option of writing to a transfer country to advise that the Attorney-General's consent will be given if a variation were made to the terms of transfer is a discretionary rather than a mandatory requirement. It will broaden the definition of 'prisoner's representative' to include a close family member of the prisoner, and it will remove references to prescribed application forms.

Schedule 4 amends the code to clarify that the slavery offences in section 270.3 have universal jurisdiction. This approach accords with the prohibition of slavery as a jus cogens (peremptory) norm of customary international law—meaning that it is non-derogable and applies at all times and in all circumstances—and one that is expressly prohibited by a number of treaties to which Australia is a party. It is consistent with Australia's recognition of universal jurisdiction as a well-established principle of international law, and one which extends to a range of crimes including crimes against humanity.

The purpose of schedule 5 is to validate action undertaken by a member of the AFP, or a special member under the Commonwealth Places (Application of Laws) Act 1970, for an investigation of an applied state offence in relation to a Commonwealth place that would otherwise have been invalid because the Commonwealth place was not, for a time, a designated state airport. This retrospective application is limited to the period starting 19 March 2014 and ending on 16 May 2014 and refers only to those investigatory powers specified in subsection 5(3A) of the Commonwealth Places (Application of Laws) Act 1970.

Schedule 6 will make minor and technical amendments to the code, the Financial Transaction Reports Act 1988 (FTR Act) and the Surveillance Devices Act 2004.

The purpose of the amendment to the FTR Act is to give permanent effect to an exemption granted by the AUSTRAC CEO in relation to account-blocking obligations of cash dealers in certain circumstances. A consequential amendment has also been made to the Surveillance Devices Act 2004 to remove a reference to an offence against a repealed section of that act.

These amendments will give permanent effect to an exemption granted by the AUSTRAC CEO from an obligation for cash dealers to block accounts in certain circumstances. This exemption was granted by the AUSTRAC CEO due to the fact that the obligation largely duplicated the safeguards already found in the Anti-Money Laundering and Counter-Terrorism Financing Act 2006.
In addition, schedule 6 will make minor amendments to division 301.11 of the code to correct an error in the definition of a minimum marketable quantity in respect of a drug analogue of one or more listed, border-controlled drugs. This error occurred when division 301.11 was inserted into the code in November 2012 by the Crimes Legislation Amendment (Serious Drugs, Identity Crime and Other Measures) Act 2012.

On that basis Labor supports this legislation. We will have more to say during consideration in detail about the proposed regime concerning mandatory minimum sentencing. But of course it will be no surprise that, in the main, Labor supports this legislation—because we wrote it.

**Ms PRICE** (Durack) (13:25): I am pleased to rise to speak on this bill, the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014, and about an issue which is, sadly, very important within my large electorate of Durack and in all communities throughout Australia. This bill amends a series of acts including the Criminal Code Act 1995, the Customs Act 1901 and the Surveillance Devices Act 2004. The bill contains a range of measures to improve Commonwealth criminal justice arrangements, including the following three: banning the importation of substances that have a psychoactive effect but are not otherwise regulated or banned; ensuring that Australian Customs and Border Protection Service officers have appropriate powers to stop these substances at the borders; and validating access by the Australian Federal Police to certain investigative powers in designated state airports.

While the bill comprises six schedules, I want to focus today on schedule 1, which will amend the Criminal Code Act and the Customs Act to strengthen the Commonwealth's ability to respond to new and emerging illicit drugs, known as new psychoactive substances. These so-called synthetic drugs are designed to mimic the effect of illicit drugs, but their chemical compositions are not captured by existing controls on these drugs. Effectively, what we are talking about is the new ice. There is evidence that manufacturers design the chemical structures of new psychoactive substances to avoid current controls and prohibitions. The amendments in schedule 1 will fill the regulatory gap. They will ensure that new psychoactive substances cannot be imported while the government assesses their harm and considers the appropriate controls to place on them. The measure takes a precautionary approach to dealing with psychoactive substances. It is intended not to replace but to work in parallel with the existing arrangements which regulate the importation of both illicit drugs and substances with a legitimate use into Australia.

The largest urban centre in my electorate is Geraldton, with a population edging on 40,000 people. Too many of its residents suffer from alcohol misuse or from the harm arising from illicit drug use and its associated impacts, including harm to mental health and crime. I am advised by some working in the drug and alcohol services industry that the culture around alcohol in Geraldton is ridiculous. They cited an anecdote about a bouncer, recently seen sprawled on his back across the bar and being fed alcohol through a hose. There are pockets of amphetamine use—drugs such as speed or ice—together with a proportion of new psychoactive substances. These are causing serious issues because they simply cannot be tested at present.

Let us talk about the notions of responsibility and acceptance. Personal harm associated with the use of drugs is considered to be high. In comparison, related crimes such as road
accidents and domestic violence are more strongly linked to alcohol abuse. In general, there is an acceptance by those who are extreme drinkers or amphetamine users of substance use and abuse and its impacts—and the acceptance of this use and abuse and its impacts plays an essential role in these people's ongoing substance abuse. But there is an expectation that the police, drug and alcohol agencies will somehow fix the problem, rather than users taking personal responsibility for their own actions and behaviours.

We know that one woman each week in Australia dies from domestic violence. This is clearly not acceptable. I would like to pause for a moment to recognise White Ribbon Day, which is tomorrow 25 November. White Ribbon Day is the international day for the elimination of violence against women and a day when we must stand against domestic violence. This is a community-wide issue in my electorate of Durack. Violence against women and children and much of this harm is fuelled by drug and alcohol abuse.

The DEPUTY SPEAKER: Order! In accordance with standing order 43, the time for members’ statements has concluded. The debate may be resumed at a later hour and the member will have leave to continue her remarks when the debate is resumed.

STATEMENTS BY MEMBERS

Budget

Mr FITZGIBBON (Hunter) (13:30): What a dark day it is for public broadcasting in this country. We are now starting to see the real effects of the Prime Minister's broken promise on ABC and SBS funding. Today, one-third of the team at ABC 1233 Newcastle lost their jobs and much of the station's programing went with them. I am not yet sure what will be the impact on ABC Upper Hunter in my electorate.

This will tear at the heart of the Hunter's social and economic fabric. Our ABC is not just a broadcasting service; it is an institution, delivering balanced news, community information and stimulating public debate. The ABC can always be relied upon to promote and defend the Hunter's interest and, in times of crisis, including natural disaster, it plays the role of emergency broadcaster. This is true in every region in the country. Rural and regional towns everywhere rely on the ABC for their local news, for special rural programing and for programs like Bush Telegraph, which, I understand, has been axed. This is a disgrace and every Australian who heard Tony Abbott make his promise not to touch the ABC and SBS is entitled to be very angry.

This morning on ABC Newcastle we had the member for Paterson blaming Mark Scott for the demise of ABC services in rural and regional Australia. This is a disgrace. And all those representing rural and regional seats on that side have abandoned their local communities.

Solomon Electorate: Endeavour Scholarship and Fellowship Program

Mrs GRIGGS (Solomon) (13:31): I am pleased to advise the House that three people from my electorate of Solomon have been given the opportunity to study and undertake research next year as part of this government's Endeavour Scholarship and Fellowship Program. Christoph Sperfeldt, Yolonda Adams and Pia Harknes have been identified as some of the brightest in our country by winning a scholarship or fellowship. This program will allow these three talented Territorians to further their skills and knowledge overseas and develop Australia's research links while building their international experience.
Cristoph has been awarded a fellowship to study society and culture in Belgium while Yolanda will travel to Canada with a fellowship for Indigenous Australians to study society and culture, justice and law enforcement. Pia has won a scholarship to go to Indonesia to undertake agriculture, environmental and related studies. Across Australia this program will allow 154 top-performing Australians to further their skills and knowledge and for 528 high-achieving recipients from overseas to study in Australia.

I am proud to be part of this government, which is strengthening ties through study and internships undertaken by undergraduate students. As high-achieving Territorians, I wish Cristoph, Yolanda and Pia all the very best for their study in 2015.

Australasian Hellenic Educational Progressive Association

Mr THISTLETHWAITE (Kingsford Smith) (13:33): I wish to congratulate the Australasian Hellenic Educational Progressive Association, AHEPA, which recently celebrated 80 years of the founding of the order and 60 years since the founding of chapter Arete. In 1934 in Werris Creek, progressive members of Australia's Greek community got together to establish an organisation aimed at promoting education and supporting charitable causes in Australia as well as promoting Greek heritage and culture, and, of course, to break down some of the barriers that existed at the time between mainstream Australia and the Greek community.

Over the past 80 years this wonderful organisation has supported thousands of young kids in getting a better education. They have been indirectly involved in saving thousands of lives through their support of the children's hospital and medical research in Australia and also through their support of the elderly and children with disabilities.

AHEPA is a great symbol of the Greek community's contribution to Australia. My community is particularly fond of the AHEPA because of its support of the children's hospital at Randwick. Over the last few years, they have donated over $1 million to the cause. Recently at their 80th anniversary dinner, they raised close to $30,000 for the children's hospital.

I wish to congratulate all of the office holders of the last 80 years who have been involved in the organisation and all of the members for their wonderful contribution to charity in Australia.

Centenary of Anzac

Mr WILSON (O'Connor) (13:34): I rise today to recognise the outstanding work of the City of Albany and the Albany sub branch of the RSL in hosting the commemoration of the centenary of the departure of the first convoy of Anzacs on the 1st of November 1914. The convoy of 36 ships included 28,000 Australians and 8,000 New Zealanders and was the last sight of their homeland for many of these troops who travelled to Egypt for further training and ultimately to Gallipoli, Palestine and the Western Front.

The official commemorative events began on Saturday morning with a ceremonial march down York St featuring units from the Australian Defence Force, New Zealand and Japanese navies as well as 500 Australian veterans. The march featured the Australian Army colours and was reviewed by the Governor-General, Sir Peter Cosgrove. Also in attendance was the Prime Minister, New Zealand Prime Minister John Key along with a host of international
visitors, ministers, members of parliament, senior military personnel as well as an estimated 40,000 spectators.

Following the March a remembrance service was held led by the Prime Ministers of Australia and New Zealand. One of the lasting legacies of the weekend is the National Anzac Centre, which overlooks King George Sound where the convoy assembled and which retells the wartime stories of 36 men and women who left on the first convoy. The centre was officially opened by the Prime Minister and Premier of Western Australia the Hon. Colin Barnett.

The final official event of the weekend was the steaming past of the seven warships in a re-enactment of the departure of the first convoy. The years of effort and planning ensured this historic event ran seamlessly and the City of Albany, the Albany sub-branch of the RSL, the Department of Veterans' Affairs and the Department of Premier and Cabinet all deserve our thanks and praise for an outstanding event.

**Budget**

Ms PARKE (Fremantle) (13:36): I continue to receive correspondence from people in my electorate and from all around Australia who are appalled at the government's $254-million cut to the ABC. In shattering news for ABC staff and Australian communities, it has been announced today that the cuts will lead to the loss of more than 400 jobs.

The member for Goldstein has welcomed the cuts to the ABC on the basis that the national broadcaster has been a 'protected species' for a long time. He and his colleagues, including—quite hilariously—the member for Sturt, have on the one hand welcomed the cuts and on the other hand are demanding that programs and production facilities and jobs in their states go unaffected—what hypocrisy.

I take this opportunity to pay tribute to all ABC staff for their high-quality work and their passion. I also thank the community and public sector union, including WA regional secretary, Sue Bowers, and her team for their work in galvanising support right around the country. I am glad they are bringing their banners to Parliament House this week. The ABC should be a protected species because it is an endangered species—especially where this government is concerned. The ABC is a unique provider of the highest quality news and current affairs. It is far and away the most respected news organisation in the country. The Prime Minister said, as plain as day, on the very eve of the election that there would be no cuts to the ABC, yet he has now delivered $254 million in cuts. Children who watch ABC4Kids know that there is a word we use to describe a person who makes a promise and then breaks that promise. The Prime Minister's pants are well and truly on fire.

**Dobell Electorate: Nathan Connor**

Mrs McNAMARA (Dobell) (13:38): I rise to share with the House the inspirational story of Nathan Connor, a student at Wyong High School in the Dobell electorate. Nathan and his brother, Mitchell, tragically lost their mother to cancer in 2013. Reflecting upon his loss, Nathan said:

Cancer is one of those things you know is there and you hear stories everyday about people being diagnosed with cancer … but it is never something you think will ever affect you or your loved ones. Even through this whole fight, I still never thought it would ever come to the moment we were faced with.
Inspired by their loss, Nathan and Mitchell undertook a 219 kilometre bicycle ride to raise money for cancer research. Along with their teacher Mr Mick Sugitha, they raised $7,500 in a short amount of time and participated in the Sunsuper Ride to Conquer Cancer. Held on 11 and 12 October, the ride through the Blue Mountains benefits the Chris O'Brien Lifehouse, a world-class integrated cancer treatment centre.

In addition to Nathan's dedication and commitment to this worthy cause, he is also a strong role model for the youth of the Central Coast. Nathan recently participated in Wyong Shire Council's youth mock council and is an enthusiastic member of the Dobell Youth Advisory Committee.

At a recent meeting of the committee, Nathan shared with us his willingness to be a champion for student mental wellbeing at Wyong High School and to support his fellow students who may be experiencing a difficult time. It has been an absolute pleasure getting to know young Nathan over recent months, and I am proud to share his willingness to help others with this parliament.

**Budget**

Mr ZAPPIA (Makin) (13:39): I join my Labor colleagues in condemning the Abbott government for the further cuts to the ABC and SBS announced last week over the next five years, which will bring the total cuts made by this government to the ABC and SBS to over $500 million.

No amount of spin will mask the fact that the cuts represent another broken election promise made by the Prime Minister on the eve of last year's election that there would be no cuts to the ABC or SBS. The cuts will inevitably lead to programming and production being Sydney-centric. For regional and rural Australia and the smaller states, the impact of the cuts will be devastating, denying those communities local jobs and local content.

In South Australia, up to 150 jobs are likely to be lost, as is production of local news and current affairs programs, including the popular Friday evening current affairs program 7.30 SA. Again the Abbott government is turning its back on SA, and again South Australian federal Liberal MPs are either nowhere to be seen or trying to pass the blame on to ABC management for any cuts.

Responsibility for job losses or local content cuts rests fairly and squarely with the Abbott government, which is proving to be no friend of the ABC, and South Australians know it. I call on all South Australian federal Liberal MPs to stand up for South Australia, stand up for the people that elected them and oppose the funding cuts to the ABC.

**Hughes Electorate: Janine Balding**

Mr CRAIG KELLY (Hughes) (13:41): My electorate office for the seat of Hughes is located directly opposite the Sutherland railway station. From the window of my office in the afternoon, I can see hundreds of young women returning from their work in the city, getting off the train at Sutherland, walking to their car to go home to their loved ones. On a September day back in 1988, one of those young women alighting at Sutherland station was 20-year-old Janine Balding. She walked to her car parked in Toronto Parade, and what followed was one of the most brutal acts in Australian criminal history. She was abducted at knife-point at random, driven off in her own car and was later tortured, gang-raped and drowned.
When sentencing the murderers, the judge said, 'However, the facts surrounding the commission of these crimes are so barbaric that I believe I have no alternative other than to impose upon these young prisoners, even despite their age, a life sentence. So grave is the nature of this case that I recommend that none of these prisoners in the matter should ever be released.' The judge was right. There are some crimes so unspeakably evil that the only alternative for those guilty of it is to have their files marked 'Never to be released'. Therefore, it is very disappointing, with White Ribbon Day tomorrow, that the UN should be criticising Australia, worrying about the human rights of these convicted murderers and rapists. We need to think about the rights of those women that are victims of violence.

**Budget**

**Ms CLAYDON** (Newcastle) (13:42): Today it has been confirmed that the ABC is being decimated by the Abbott Liberal government. This morning, one by one, ABC employees in my electorate of Newcastle were walked in to meetings about their future with local broadcaster, 1233 Newcastle. For about one-third of that station there is no future. Newcastle is to be downgraded to a regional outpost; local programming will be cut, including Carol Duncan's much loved afternoon show; back office staff will go; and up-and-coming producers and broadcasters will be lost.

1233 Newcastle is an intrinsic part of our city and the broader Hunter region and provides a vital platform for our community to connect, to learn and to be informed. They are there when we need them—in times of emergency, times of celebration and times of turmoil—and are a comforting voice every day to thousands of Novocastrians. The loss of regional media jobs leaves the entire community is worse off. This is a hurtful day for my community. Cuts to the ABC are cuts to every member of our community.

Those opposite—including the member for Paterson, who was on air this morning—are blaming Mark Scott and the ABC board for programming cuts, when they are simply acting on government orders. Tony Abbott's cuts to the ABC and SBS are half a billion dollars— *(Time expired)*

**Centenary of Anzac**

**Mrs WICKS** (Robertson) (13:44): One of my most enduring memories of Anzac Day is at Macmasters Beach, one of the most beautiful locations in my electorate on the Central Coast. Every year on Anzac Day at 5pm, the Macmasters Beach Surf Lifesaving Club hold a wreath-laying ceremony. Wreaths are placed next to surfboards, framed by the Australian flag and by our coastline, as we take time to pause and reflect on those who made the ultimate sacrifice for our nation. It is due to the volunteers at the surf lifesaving club that this yearly memorial service happens and brings our community together. It now attracts over 250 people.

With the Anzac Centenary fast approaching, it gives me pleasure to advise that a grant of $4,400 has been approved as part of the government's Centenary of Anzac commemorative grants program. Thanks to this grant, Macmasters Beach surf club can now replace four sections of the iron-bar balustrade with a feature of tempered glass. Appropriately, the two middle panels will be etched with commemorative ANZAC images. It is a unique and appropriate location that is a poignant reminder of the beachside landing at Gallipoli, and it will also be a constant reminder of the connection with the surf lifesaving volunteers movement, many of whom served in the various wars Australia fought, including in World
War I. I thank the club president and Alan Blackman and committee members Warren Watkins, Peter Brown and Ben Van Den Hooven for all of their work. I also recognise and commend the Robertson Electorate Anzac Day Grants Committee. Together in Robertson, we will ensure that the legacy of those who served will not be forgotten.

**Rankin Electorate: World Game Multicultural Festival**

**Dr CHALMERS** (Rankin) (13:46): Deputy Speaker, no matter your language, your background or your culture, sport has the ability to bring communities together. It is for that reason that I was really pleased to host the World Game Multicultural Festival with SBS and local community groups, two weeks ago. Craig Foster, Jason Culina and David Zdrilic were there at the fields at Griffith University Logan Campus for a friendly soccer game and skills clinic. I want to put on the record of the parliament my appreciation of those guys and of their colleagues.

It is certainly not every day that Logan hosts soccer superstars, playing alongside multicultural teams drawn from the new migrant community. After a day as successful as that, there are lots of people to thank. I want to thank SBS and their team for bringing the former Socceroos to Logan, and for helping to organise the event on the day. I want to thank the parents and the kids and their local high schools. I want to thank Aunty Peggy Tidyman for the acknowledgement of country. I would also like to thank a whole range of local groups and businesses for their contributions on the day—Access Community Services, Griffith University Logan Campus, Logan Metro FC, the TWU, LECNA, Westpac Logan Central, the Brisbane Roar, Football Queensland, Football Brisbane, South Brisbane Futsal Club, and the mighty Rochedale Rovers, and for their support as well.

On a day like today, when the public broadcasters are under attack, it is important that we remember that so many of these broadcasters have a broader role to play in the community. I am proud that SBS plays such a positive role in my community of Logan City, and I commend them for their multicultural soccer day.

**Domestic Violence**

**Mr HUTCHINSON** (Lyons) (13:47): Tomorrow is White Ribbon Day, and I stand in this place to swear an oath: I swear never to commit, excuse or remain silent about violence against women. This is my oath.

There are practical things that men can do to stop violence against women. These include listening to women—women know best: it is important that we ask and then we listen. We can learn why some men are violent. Men are not naturally violent; violence is learnt behaviour. We can challenge sexist language and jokes, which degrade women—we have all heard such contributions, and possibly laughed them off. We can learn to identify and oppose sexual harassment and violence in our workplaces, schools and families. We can examine how our own behaviour might contribute to the problem of violence against women—a little bit of self-reflection for all of us. We can work towards long-term solutions. We must teach our boys that they do not need to control or dominate women, children, or other men.

Each year, men around the world are wearing a white ribbon up to and on 25 November, the International Day for the Elimination of Violence against Women. I acknowledge the member for Bass, an ambassador for White Ribbon Day in my state of Tasmania, and I
encourage men to wear a white ribbon as a personal pledge never to commit violence against women—here and in our local communities.

**Relationships Australia**

Ms BRODTMANN (Canberra) (13:49): Deputy Speaker, I congratulate Relationships Australia on 50 years of operation in Canberra and in the surrounding region. It is a community-based, not-for-profit organisation that has been providing relationship support services for five decades. I recently had the pleasure of attending Relationships Australia's AGM, which coincided with the organisation's 50th birthday. I would like to take this opportunity to thank Fiona Loaney for inviting me to take part in the celebrations, and to publicly acknowledge the great work the organisation does in Canberra and around the country.

I visited the organisation for the first time in May this year and was incredibly impressed with the great work that is being done by dedicated team of counsellors and mediators to bring to build strong and positive relationships in Canberra and the capital region. I was particularly impressed with the nonviolent resistance program based on the principles and philosophies espoused by Dr Martin Luther King and Mahatma Gandhi. This program has led to a number of positive outcomes in my electorate, including a reduction in family violence and family conflict, and a reduction in antisocial and violent behaviour in schools in the community. Relationships Australia's long list of achievements in its 50 year history is impressive, and I look forward to seeing the organisation continue its great work for another 50 years. I would like to acknowledge that there are—hopefully—representatives in the chamber today; if not, they will be here soon.

Finally, Deputy Speaker, as part of the Shop Small campaign, today I am wearing Canberra designer Yumi Morrissey's Zilpah tart, which I bought at the Telopea Park School fete recently—and you can't get more local than that!

**Bass Electorate: Scotch Oakburn College**

**Address by the President of the People's Republic of China**

Mr NIKOLIC (Bass) (13:50): I rise to express my pride in Katie Marson's Year 5 class at Scotch Oakburn College in Launceston, and to talk about the wonderful impact the class made on Chinese President Xi Jinping during his recent visit to Australia.

Earlier in the year, as part of a writing exercise, Katie's class wrote letters to the President of China and his wife, Madam Peng. There was no expectation on their part that the President would even receive their letters, much less respond in the way that he did. Not only did the President and Madam Peng read them, but they responded by letter. The President mentioned this class during his speech to our parliament. He met some of the children during his trip to Hobart, and he sent them a token of appreciation for their efforts. This class from Scotch Oakburn not only captured the attention of a President, but also of the 1.3 billion people who were enthralled by the President's visit to Australia.

On 21 November, I visited these wonderful children at Scotch Oakburn College and presented them each with a program from President Xi's address to this parliament, and a copy of his speech from *Hansard*. I was excited to meet them and their teacher, Katie Marson, and to hear firsthand from them what an honour they considered their interaction with President Xi to have been. It is an experience that these students and their school will never
forget. I congratulate Katie Marson and her class for their initiative, language skills and creative diplomacy.

**Australian Broadcasting Corporation**

Ms RISHWORTH (Kingston) (13:52): I rise to join with my colleagues who have spoken about the disastrous announcement today that the ABC will cut more than 400 jobs. This government promised not to cut the ABC but instead we have seen that promise dashed and we have got a $254 million cut over the next five years. We have heard today that it is anticipated that 400 people will lose their jobs, but South Australia and indeed Adelaide will be affected more disproportionately than other states and territories. According to estimates, 150 jobs in South Australia are now at risk. South Australia and indeed the Adelaide TV production facility has a proud record of producing some great shows, including the South Australian edition of *7.30*, *Poh’s Kitchen*, the award winning show *Dream Build, The Cook and the Chef*, and many others. These cuts will mean a loss to local content and skills. We have seen the member for Sturt, who sat in the cabinet room and ticked off this massive cut and ticked off this cut to jobs, launch a petition—you cannot get more hypocritical than that. I think the people of South Australia are much too smart to be pulled in by this blatant attempt at cynical politics.

**Berowra Electorate: Hornsby Aquatic Centre**

Mr RUDDOCK (Berowra—Chief Government Whip) (13:53): I want to give the House some good news. I draw to the attention of honourable members an event that took place in my electorate over the past weekend—the opening of the new Hornsby Aquatic Centre. It was officially opened by the Prime Minister of Australia—although he did not have a swim, he was welcome to and he will always be welcome to—and the reception for the Prime Minister was something that I found very positive. I was delighted that people like Bill Bradley, one of my disabled people who will tomorrow be considered for a national disability award, was there, and Sean McArdle, who I know talks on 2GB almost every day, was there able to be photographed with the Prime Minister.

I want to take this opportunity to congratulate Hornsby council on what it has achieved. Mayor Russell had an event that was well planned and well executed for the opening of this exciting piece of community infrastructure. What members need to know is that this enterprise was established on budget. I am fortunate in my area to have a council under Liberal leadership, which over the first three years has repaired its budget from $6 million in the red to $20 million in the black—it is something that those opposite could learn from. It is a very good news story. (Time expired)

**Small Business**

Ms OWENS (Parramatta) (13:55): November is Shop Small month, an opportunity for people to show their support for their local small businesses. At the launch of Shop Small here in Parliament House, I challenged my fellow parliamentarians to show their support for Shop Small literally by wearing it, by coming into the House this week and making sure that they are wearing items of clothing that were either designed, made or at least bought locally. I am pleased that so far even in these 90-second statements we have seen the members for Durack, Solomon and Canberra stand in their places wearing proudly designed or made
locally clothes—well done. Many, many others have too, this morning. I saw at Adam Bandt running down the corridor—he was late—wearing a Joe Black suit, Terri Butler is wearing SOOKii, Warren Snowdon last week was wearing a beautiful Norman Cox tie, Sharon Claydon was wearing High Tea with Mrs Woo, and we have seen Senator Janet Rice at Kuwait in Brunswick with a lovely matt/handmade bag and Gai Brodtmann wearing Zilpah tart. I am wearing local; in fact I am wearing four designers today. I am issuing the challenge to see how many local designers you can wear on one body at one time—I am up to four so the challenge is out. I am wearing a Wa-Nyika jacket, by a local African designer, and another item I am wearing is actually not local, it is Australian wool and it is from Cinnabar in Wagga—so I hope the member for Wagga has got his woollen material down here today as well. (Time expired)

Boothby Electorate: Local Government

Dr SOUTHCOTT (Boothby) (13:56): Two weeks ago the local government elections in South Australia were held. Local government fills a very important role and on a day-to-day basis is responsible for many issues that affect local residents, from maintaining public parks and reserves to building and development plans in the area, to making sure the bins get picked up. After a series of hard-fought campaigns, we will be seeing quite a few new councillors eager to advocate for their local area and I would like to congratulate them all on their appointment. In particular I would like to congratulate the local mayors in Boothby, three of whom will be taking on the role for the first time. Mayor Lorraine Rosenberg will once again be serving the residents of Onkaparinga, I have worked very well with Lorraine during her time as mayor and I look forward to continuing a productive relationship. As highly-respected former mayor and national ALGA president Felicity-ann Lewis retired this year, the City of Marion will be served by Mayor Kris Hanna. Kris has a great deal of experience in the state parliament and locally that he will be bringing to the role. The new mayor of Holdfast Bay, Stephen Patterson, is very interested in unifying his council and building a shared vision for his area. Finally Glenn Spear, the new mayor of Mitcham, is very focused on providing a truly independent voice to lead his council, an important issue for local residents. I also recognise the close working relationships that I have had with outgoing mayors Felicity-ann Lewis and Ken Rolland and wish them the very best. I look forward to continuing to work with the new mayors and councillors over the next term of council to help make our great local community even better.

Australian Broadcasting Corporation

Ms McGOWAN (Indi) (13:58): The decision to cut Bush Telegraph is a huge mistake. Bush Tele is the major Radio National program covering rural matters and we know that city people care about these issues and they care about rural Australia. It is critical that this rural voice continues to be heard across Australia. There is a perception that the divide is becoming greater between the metropolitan cities and rural areas—that people living in cities do not relate to their country cousins. We should be building bridges between the city and the country, not getting rid of them. One way this occurs is through programs like Bush Telegraph. The ABC board needs to ensure rural issues are broadcast to the city. The future of Australia is highly dependent on the work being done in rural and regional Australia—the work being done to successfully produce quality food, clean water, use energy in innovative ways and produce crops like cotton and industrial hemp for clothing material. These stories
need to be told and it is vitally important that city people know what is happening in rural Australia.

The government and ABC board need to support programs such as Bush Tele and I call on the government to tell the Australian public what the alternatives will be if Bush Tele is no longer on the airwaves.

**The Speaker:** It being 2 pm, in accordance with standing order 43 the time for members' statements has concluded.

**CONDOLENCES**

**Withers, Rt Hon Reginald 'Reg' Greive**

**Mr Abbott** (Warringah—Prime Minister) (14:00): I move:

That the House record its deep regret at the death on 15 November 2014 of the Right Honourable Reginald Greive Withers, former Senator for Western Australia and Minister, place on record its appreciation of his long and meritorious public service, and tender its profound sympathy to his family in their bereavement.

Reg Withers was a great servant of our country. Starting in the Royal Australian Navy during the Second World War, he went on to become a senator for Western Australia, a minister in the Fraser government and, finally, Lord Mayor of the City of Perth. As everyone who knew him well discovered, he was a political warrior with a deep love for his country and passion for its future. Reg Withers entered the Senate in 1966 and served for some 20 years. He gained the nickname 'the toe-cutter'. He was actually quite proud of this nickname. It seemed that he thought it was better to be a toe-cutter than a fence-sitter. As opposition leader in the Senate, his tactic of deferring rather than defeating the supply bills was a key to the resolution of the dismissal crisis of 1975. In the Fraser government he served as Minister for Administrative Services from 1975 to 1978, and he was the last Privy Councillor to serve in the Australian Senate. After leaving the Senate in 1987, he still contributed to our country as Lord Mayor of Perth between 1991 and 1993. During the 1999 constitutional referendum I was proud to work with Reg in the campaign to keep the Crown in our Constitution.

For a committed and passionate Liberal, Reg Withers had an unusual political pedigree. His father was actually a state Labor member of parliament and in earlier days had introduced him to John Curtin and Ben Chifley. One day one of Reg's Labor colleagues discovered that Reg's dad had actually moved the socialist objective at the 1929 ALP conference; and the Labor man said to Reg, 'You must be the black sheep of the family,' and Reg said, 'No, my dad was the red sheep of the family!'

Some years ago, during a condolence motion in the Senate, Reg's long time Labor friend Fred Daly was watching from the gallery and famously sent a note down to Reg. Fred's note to Reg read: I'm sorry I won't live another 50 years because I'd love to be here when they speak on your condolence motion and every hypocrite will get up and say, "He was loved by all"! Reg Withers fought with many but he had the respect of all and he had the love of many. He will be remembered as a man of integrity who stood up for his convictions and the institutions that make our country strong. On behalf of the government, I extend our condolences to his widow, Shirley, to his children and to his grandchildren.

**Mr Shorten** (Maribyrnong—Leader of the Opposition) (14:03): The opposition rises to join with the Prime Minister to express our condolences on the passing of Senator Reg
Withers. Reg Withers did not go into politics to be loved, especially not by his opponents. But he was by all accounts a genial man. He was an intelligent man. He was a man with a good sense of humour. And he came from a robust political party—the Western Australian division of the Liberal Party, a party whose ups and downs shaped Withers' own legendary resilience. I think it is fair to say that, in a tough business, he was one of the toughest customers. There was nothing naive or romantic about his view of public life. As he once said: 'Politics is about getting power and keeping power. We're not indulging in some afternoon tea party, for goodness sake!'

Today we pay our respects for Reg Withers' life. As the Prime Minister said, in an interview on ABC Radio in 1983, Reg Withers recalled his old friend and sparring partner Fred Daly sitting in the gallery. He said, 'Freddie and I looked at each other in a rather bemused way,' and he did grab hold of a sheet of paper. And Fred Daly said, 'I'm sorry that I won't live another 50 years because when they speak on your condolence everyone will get up and say "He was loved by all"!' In speaking to Labor colleagues who served in the time of Reg Withers, they do recognise that he was a formidable foe and he was a man who strongly represented the convictions that he held. He gave service to the Royal Australian Navy, to the law, to the Liberal Party, to our parliament and to the City of Perth as mayor. Labor offers our condolences to his family and friends. May he rest in peace.

The SPEAKER: As a mark of respect, I invite honourable members to rise in their places.

Honourable members having stood in their places—

Debate adjourned.

Reference to Federation Chamber

Mr PYNE (Sturt—Leader of the House and Minister for Education) (14:06): by leave—I move:

That order of the day be referred to the Federation Chamber for debate.

Question agreed to.

Goss, Hon. Wayne

Mr ABBOTT (Warringah—Prime Minister) (14:07): Madam Speaker, on indulgence, I rise to acknowledge the passing of the Hon. Wayne Goss, the former Premier of Queensland. Wayne Goss was Premier of Queensland for six years. He broke a long period of coalition rule, ending what was essentially the Joh Bjelke-Petersen era. He was a reforming premier, and reformers are always remembered. Wayne Goss implemented the Fitzgerald inquiry reforms. He reformed the electoral act. He modernised the public sector. Though I am of a different political persuasion, I think all of us in this House can say that he did change Queensland for the better. As Campbell Newman put it, he acted with tenacity, determination and courage. In first becoming Premier Wayne Goss won over swathes of voters who never before had voted for his party. They did so because at that time they identified with a Labor leader who had a message that government must know its limits and is there to serve the people and not itself. He left his mark on Queensland. By leaving his mark on Queensland he left his mark on this country. It is right that we in this parliament should honour his passing after a long battle with illness. On behalf of the government, I extend to his wife, Roisin, and his children, Ryan and Caitlin, our deepest condolences.
Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:08): Today we offer our heartfelt condolences to Wayne Goss's wife, Roisin, his children, Ryan and Caitlin, and his many friends, colleagues and fellow Queenslanders who felt his loss. We give thanks for Wayne Goss's life and we celebrate his legacy.

It was the injustice of the Whitlam dismissal that brought Wayne Goss to Labor, and Wayne, in turn, brought Queensland Labor back from the brink. His historic victory in 1989 marked the end of the malaise and the corruption that had eaten away at Queensland democracy during the tail end of 32 years of conservative rule. It was, as the Prime Minister has said, the beginning of a new era under a new, progressive, reforming premier. A man of formidable intellect and powerful social conscience, a man who, as his close friend the member for Lilley has put it, dragged Queensland out of the darkness and into the sunshine.

The Goss government rebuilt Queensland, restoring fairness and transparency to the electoral system, bringing in merit based appointments for the public service and implementing the Fitzgerald inquiry into police corruption. Goss's reforms modernised Queensland, decriminalising homosexuality, creating new national parks, preserving precious forests and abolishing the anachronistic imperial honours system. The Goss government proudly appointed Queensland's first female judge and Queensland's first female governor. When he lost government in 1996, Goss bowed out of the premiership with a sincere and graceful message:

Thank you, Queensland—
he said—
You've been good to me. I hope I've left you a better place.

Wayne Goss achieved so much for the state that he served and he certainly left it a better place. If cancer had not cheated him of a second act and a federal seat his star may have shone still.

This year, Labor has mourned the passing of Neville Wran and Gough Whitlam, giants of our movement, heroes to of people, leaders who changed the society for the better. Wayne Goss stands proudly in their esteemed company. After all he did and all he built, all that he saved and all that he changed, he will live long in the history of his state and in the hearts of his people. May he rest in peace.

The SPEAKER: As a mark of respect, I ask all present to stand in their places.

Honourable members having stood in their places—
The SPEAKER: I thank members.

Reference to Federation Chamber

Mr PYNE (Sturt—Leader of the House and Minister for Education) (14:12): By leave—I move:

That further statements in relation to the death of Wayne Goss be permitted in the Federation Chamber.

Question agreed to.
MINISTERIAL ARRANGEMENTS

Mr ABBOTT (Warringah—Prime Minister) (14:12): The Deputy Prime Minister is recuperating at home from an illness and will not be in question time this week. Questions to him should instead be directed to the Treasurer.

QUESTIONS WITHOUT NOTICE

Prime Minister

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:12): My question is to the Prime Minister. On the night before the last election, the Prime Minister promised:
No cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS.

Is the Prime Minister regarded as 'box office poison' in Victoria because he is breaking every single one of these promises?

The SPEAKER: The Prime Minister will ignore the last part of the question and address only the first part.

Mr ABBOTT (Warringah—Prime Minister) (14:13): I do not accept the premise of the question. What we said before the election was that we would scrap the carbon tax, we would stop the boats, we would build the roads of the 21st century and we would get the budget back under control, and that is exactly what this government is doing. This is a government which has fundamentally kept faith with the Australian people. We are doing what the people elected us to do, which is to deliver the policies and make the tough decisions that this country needed.

Mr Burke: Madam Speaker, I rise on a point of order.

The SPEAKER: The Prime Minister has finished his answer.

Mr Burke: If the Prime Minister believes that that was a misquote there are other forums of the House he should use.

The SPEAKER: There is no point of order. The member will resume his seat.

Trade with China

Mr TEHAN (Wannon) (14:14): My question is to the Prime Minister. Will the Prime Minister update the House on how the Australia-China free trade agreement will boost our economy, create jobs and support Australian exporters, including in my wonderful electorate of Wannon?

Mr ABBOTT (Warringah—Prime Minister) (14:14): I thank the wonderful member for Wannon, who is representing a wonderful electorate. I can inform him and the House that one of the very first commitments that this government made was to finalise free trade agreements with Korea, Japan and China within a year—and that is precisely what we have done. We have concluded these free trade agreements with Korea, Japan and now China. People said it could not be done, but it has been done. It has been done by this government. It has been done thanks to the extraordinary work and commitment of the Minister for Trade and Investment. The whole nation owes this minister its gratitude. It has also been done because of some outstanding work by the officials of the Department of Foreign Affairs and Trade, led in this case by Jan Adams.
This government has delivered on much over the past year. We have abolished the carbon tax. We have abolished the mining tax. The boats have all but stopped. Roads are being built and the budget is being repaired. But few things that this government have done are as important to our long-term future as these free trade agreements, particularly the free trade agreement with China. This sets Australia up for the long term. It will be good for jobs. It will be good for growth. It will be good for consumers. It is good for our country. It is particularly good for the farmers of Wannon.

Most years we export some $100 billion worth of goods to China, and 95 per cent of our exports to China will be tariff free once this agreement is fully in effect. Dairy tariffs of up to 20 per cent will be gone. Beef tariffs of up to 25 per cent will be gone. Lamb tariffs of up to 23 per cent will be gone. Wine tariffs of up to 20 per cent will be gone. Horticulture tariffs of up to 30 per cent will be gone. Seafood tariffs of up to 15 per cent will be gone. And pharmaceutical tariffs of up to 10 per cent will be gone.

This is the first comprehensive free trade agreement that China has done with a major economy. The Howard government started it, and the Abbott government finished it. That is exactly what we have done. Just to give you some idea of what is possible under this agreement: New Zealand dairy exports to China more than quadrupled under their free trade agreement. They are the prospects that Australian farmers can now enjoy. Trade means jobs. Freer trade means more jobs. That is why free trade agreements are at the heart of our plan for a strong and prosperous economy.

**Prime Minister**

**Mr SHORTEN** (Maribyrnong—Leader of the Opposition) (14:18): My question is to the Prime Minister. I refer the Prime Minister to his previous answer to me. Is the Prime Minister seriously denying that he said on SBS TV on 6 September in that famous interview:

… no cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS …

Is the Prime Minister denying that he gave that promise to the Australian people?

**Mr ABBOTT** (Warringah—Prime Minister) (14:18): Let’s look for a moment at school education funding increases—eight per cent this year, eight per cent next year, eight per cent the year after that and six per cent the year after that. For public hospitals it is nine per cent this year, nine per cent next year, nine per cent the year after that and six per cent in the final year. So school funding is going up and public hospital funding is going up.

**Ms Plibersek:** Madam Speaker, I rise on a point of order. I seek to table the *Budget overview*, which says on page 11 that $80 billion will be cut from health and education.

**Mr Dutton:** Where’s your point of order?

**The SPEAKER:** There is no point of order. The member will resume her seat, and I ask the Minister for Health not to interject.

**Mr ABBOTT:** It is true that after the next election we are changing the indexation method for pensions to bring it in line with the indexation that Labor replied to the family tax benefit. But every year pensions will go up twice. They will go up in March and they will go up in September. The statement that I made—

**Ms Macklin interjecting**—
The SPEAKER: The member for Jagajaga will desist.

Mr ABBOTT: I stand by my statements, including statements to this parliament. As for the ABC, what this government is doing with the ABC is applying for the first time in 20 years an efficiency dividend. That is what we are doing. We are applying an efficiency dividend to the ABC. Members opposite thought that the ABC was the one institution that should not be subject to an efficiency dividend. We think it should be subject to the efficiency dividend. The ABC should not be exempted from the kinds of measures that are being applied to almost every other part of government. When we inherit debt and deficit disaster from the Labor Party, when we are faced with $123 billion of cumulative deficit and $667 billion of projected debt, no-one is exempt from the search for savings, including the ABC and SBS.

Trade with China

Ms HENDERSON (Corangamite) (14:21): My question is to the Treasurer.

Ms Macklin interjecting—

The SPEAKER: The member for Jagajaga is warned.

Ms HENDERSON: Will the Treasurer inform the House how the Australia-China free trade agreement will impact on the Australian economy, creating jobs and boosting growth?

Mr HOCKEY (North Sydney—The Treasurer) (14:21): I thank the member for Corangamite for her question. As the member for Corangamite knows from when we visited Boundary Bend just near her electorate, which produces Cobram Estate olive oil, we need to export more to the world to build the wealth in Australia. That is what it is about. We are on the threshold of our greatest ever era as a nation. I have no doubt about that. The opportunity for that will come if we make the right decisions today. Those right decisions include ensuring that we get our resources, our energy and our agricultural product into new and growing markets fast.

The most exciting transformation we have seen in the global economy in recent years is the emergence of the middle class in Asia. Not only are they using our resources, our iron ore, our coal and our gas, to start to build the infrastructure they need to grow their economies but the emerging middle classes that we are going to see over the next 20 years are going to want what we can deliver—that is, better quality financial services, better quality health services, better quality educational services and better quality aged-care services.

In India alone the middle class over the next 10 years is going to increase from 200 million people to 600 million people. In China the middle class is going to grow from 150 million people today to a billion in just 16 years. As a result of the free trade agreement that this government has brought to a close after 10 long years of negotiations, we are now going to give Australian businesses the opportunity to access markets on a scale we have never seen before. After all, for everyday Australian workers on the average wage, around $9,000 a year of their wage comes from export income—about 15 per cent of their wage. If we can increase our exports, if we can increase the dollars that we earn out of China, out of India, out of Korea and out of Japan, it is going to increase the wealth of our nation. It is going to grow our economy. It is going to make the next generations more prosperous than even we could have dreamt of.

These agreements are hugely important for our economy. As it stands at the moment, mining and agriculture are doing the heavy lifting. They represent less than 15 per cent of our
economy, but they represent 70 per cent of our exports. Services like health, education and financial services are 70 per cent of our economy but just 17 per cent of our exports. The free trade agreement is a ticket to our future.

Fuel Prices

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:24): Before the last election, as we know from this question time, the Prime Minister promised no new or increased taxes. Why is the Prime Minister's petrol tax ambush costing Victorian motorists an extra $569 million over the next four years?

Mr ABBOTT (Warringah—Prime Minister) (14:25): I observe in response to the Leader of the Opposition's question that petrol is today 13c a litre cheaper than it was at budget time.

Honourable members interjecting—

Mr Hockey: That's FuelWatch!

Mr ABBOTT: Yes, a lot more effective than the shadow Treasurer's FuelWatch!

The SPEAKER: The exchange across the chamber will cease. The question has been asked. The Prime Minister's answer will be heard in silence.

Mr ABBOTT: If the shadow Treasurer were still watching fuel, he would know that petrol prices are down 13c a litre since budget time. It is true that we have restored an old tax—the fuel excise indexation that the Labor Party put in place and which was suspended for a period of time by the former government. It is true that we have done that. What we are doing is tackling the debt and deficit disaster that members opposite left us, and that is what the public elected us to do. The public knew that this country could not continue to live beyond its means. The Australian people are smart enough to understand that governments, like businesses and households—

Mr Bowen interjecting—

The SPEAKER: The member for McMahon is warned!

Mr ABBOTT: ultimately do have to live within their means, and that is exactly what is happening thanks to the policies of this government.

Mr Shorten: I seek leave to table the Victorian impact of the petrol tax that he has brought in—$569 million over the next four years.

Leave not granted.

Special Broadcasting Service

Mr WILKIE (Denison) (14:27): Are you aware the award-winning SBS program Dateline is to be cut to half an hour and that 17 of the 24 staff have been sacked? Is this a 70 per cent efficiency dividend or, more truthfully, part of the ABC and SBS budget cuts? If SBS management has effectively axed Dateline for some other reason, do you agree this is an incompetent decision and must be reversed?

Mr TURNBULL (Wentworth—Minister for Communications) (14:27): I thank the honourable member for Denison for his question. The honourable member obviously missed the comments made by SBS managing director Michael Ebeid at the SBS 2015 program launch on 14 November. Mr Ebeid said that he was very confident that any savings would not compromise the broadcaster's content. He said that a big focus for the SBS team and him over
the past six to 12 months had been to talk to the government about how they did business and
the fact that they have very efficient work practices in their organisation—probably the most
efficient in the Australian media landscape. He said he was absolutely confident that as an
organisation they had the ability to absorb further cuts without compromising content.

SBS, through its managing director, has assured me that all of the savings occasioned by
the changes to Dateline will be redirected into other news and current affairs programs. There
is no reduction, therefore, in the money being spent on news and current affairs at SBS. This
is entirely a programming decision. The SBS spokeswoman around the same time also said
the changes to Dateline were unrelated to the efficiency review.

I remind the honourable member of the great wisdom of Bruce Gyngell, who was the first
chairman of SBS when it was established by Malcolm Fraser. Bruce was the first face on
Australian television. He ran Channel 9. He ran Channel 7. He always said that the problem
with the television industry is that everybody thinks they are a programmer. Everyone has a
view as to what should be on 7.30, what the Sunday night movie should be and so forth.
Everyone has got a view on whether Dateline should be an hour or half an hour—what it
should be. Ultimately, it is for the management and the board of the SBS to make those
decisions. This is purely a programming decision and it has got nothing to do with the
efficiencies that have been called upon the SBS to undertake as a consequence to the
reductions in funding in the budget.

Mr Wilkie: I rise on a point of order on relevance. The minister has addressed the first
part of my question, but not the latter part of my question.

The SPEAKER: There is not point of order. The member will resume his seat.

Trade with China

Ms LANDRY (Capricornia) (14:30): My question is to the Minister for Trade and
Investment. Will the minister advise the House how the Australia-China free-trade agreement
has been received by industry and others?

Mr ROBB (Goldstein—Minister for Trade and Investment) (14:30): I thank the member
for her question. The member has proven herself to be a very strong advocate for the meat and
livestock sector, representing as she does the beef capital of Australia in Rocky in Central
Queensland. I can report that this sector alone has estimated that the red meat and livestock
industries will benefit by an extra $11 billion through to 2030 following the total elimination
of tariffs.

This was reinforced by the new chairman of the Australian Livestock Exporters Council,
Simon Crean. Simon said:
As a former Australian Trade Minister engaged in the negotiations for several years, I wholeheartedly
welcome the agreement and congratulate the Government…

He went on:
I particularly welcome the comprehensive nature of the agreement, the inclusion of the services sector
and the tariff free access gained by the red meat sector which is a huge win for producers and exporters.

Some other endorsements included the Business Council of Australia. They said:
The agreement opens an unprecedented level of access for our key sectors into Chinese markets, builds
on Australia’s existing strengths and opens new avenues for growth and job creation.
The NFF said:
The agreement is an outstanding achievement. We could conceivably see a tripling in agricultural exports to China within the decade.

The Financial Services Council of Australia said:
The agreement builds the architecture Australia needs to export financial services in the Asian century.

The Australian Food and Grocery Council said:
The agreement enables Australia to play to its strengths in international trade to secure maximum value for high value-add exports as well as commodities.

The Winemakers' Federation of Australia said:
A much-awaited free trade agreement with China seals this year’s trade trifecta and has the potential to add tens of millions of dollars to the Australian wine industry’s export earnings.

This trifecta of the trade agreements with Korea, Japan and China will transform our economy as it echoes down through the coming decades, just as the floating of the dollar unleashed a freeing up of so much of our economy over 30 years ago. These agreements provide the bridges for the economic miracle that the Treasurer spoke of and that is unfolding in our region: the explosion of the Asia-Pacific middle-class and the enormous opportunities it presents.

Perhaps, I should leave the last word—as always—to Kevin Rudd.

Opposition members interjecting—

Mr ROBB: Those opposite do not want to hear it, but I will give it to them:
If you look at the whole package; on the trade side, the investment side, I think this is genuinely a win-win for both sides.

Health Care

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:34): My question is to the Prime Minister. The night before the last election, the Prime Minister famously promised there would be no cuts to health. Why is the Prime Minister costing Victorians an extra $200 million a year just to go to the doctor?

Mr ABBOTT (Warringah—Prime Minister) (14:34): It is Medicare that provides for people to go to the doctor.

Opposition members interjecting—

The SPEAKER: There will be silence on my left.

Mr ABBOTT: There have been no cuts to Medicare. We do have a modest co-payment in place, because that was good policy according to no less of a figure than Bob Hawke himself. When it comes to public hospitals, Victorian public hospital funding goes up every single year.

Mr Shorten interjecting—

Mr ABBOTT: As usual, there are interjections from the Leader of the Opposition. I was in Victoria—

Mr Shorten: For 45 minutes!

The SPEAKER: The Leader of the Opposition will desist. The Leader of the Opposition has asked his question, so he will now listen to the answer.
Mr ABBOTT: The day before I left to go to APEC—
Opposition members interjecting—
The SPEAKER: Those on my left will desist.
Mr ABBOTT: I was in Victoria the day before I left to go to Beijing—
Mr Wilson interjecting—
The SPEAKER: The member for O'Conor is warned.
Mr ABBOTT: to support the efforts of the Minister for Trade and Investment to negotiate the free-trade agreement with China, which the members opposite do not want to talk about.
Mr Burke interjecting—
The SPEAKER: The member for Watson is warned.
Mr ABBOTT: This is the free-trade agreement that they tried for six years to negotiate and got nowhere. Public hospital funding in Victoria goes up every single year under this government. What also goes up under this government is the East West Link. It gets built under this government. The best thing we can do for the people of Victoria—
Mr Dreyfus interjecting—
The SPEAKER: The member for Isaacs will desist.
Mr ABBOTT: is make sure that there is not a change of government, because if there is a change of government then there will be no East West Link, no 7,000 jobs and no billions of dollars' worth of economic spin-offs. That is what the people of Victoria need: a strong coalition government in Canberra and a strong coalition government in Spring Street.
Mr Shorten: I just want to table the data upon which we explained that Victorians pay $186 million more.
The SPEAKER: The Leader of the Opposition knows that there is a ruling that if there is a public document, it is not subject to being asked for leave to table it in anyway. Is this a public document?
Mr Shorten: No, this is our calculations based upon experts—
The SPEAKER: It is your calculations?
Government members interjecting—
The SPEAKER: Nor are props! Is leave granted?
Leave not granted.
Mr Shorten: It is not a prop; it is a fact.
The SPEAKER: The member will resume his seat.

Trade with China

Mr BROAD (Mallee) (14:37): My question is to the Minister for Agriculture. Will the minister outline for the House what the historic Australia-China Free Trade Agreement will mean for our dairy industry?

Mr JOYCE (New England—Minister for Agriculture and Deputy Leader of The Nationals) (14:37): I thank the member for Mallee for his question. The member for Mallee, obviously, is very aware of the benefits of dairy because Cohuna, in his electorate, is a dairy
area, but more so, because of the people who supply the dairy industry—supply it with grain and supply it with all the support that it needs.

Opposition members interjecting—

The SPEAKER: The member for Wakefield will leave under 94(a).

The member for Wakefield then left the chamber.

Mr JOYCE: The agreement that the coalition has provided has got to be seen for more than just the fact that it reduces the tariffs on liquid milk from 15 per cent over nine years to zero; the fact that it reduces the tariffs on skimmed milk powder from 10 per cent over 11 years to zero; on whole milk powder from 10 per cent to zero over 11 years; on dairy fats from 10 per cent to zero over four to nine years; on cheese from 12 to 15 per cent to zero over four to nine years. The have to see beyond the fact that this was an agreement that was negotiated by the coalition, and I commend the work done by the Minister for Trade and Investment, Andrew Robb. It was a brilliant piece of work.

It is also going to bring real money back into the streets of regional towns—real money back through the farm gate. That money is going to be provided to the mums and dads who own the farm because they are the real benefactors of this. Of course, the question that they will be asking is about this: whilst they were waiting for this, surely someone else in a previous government would have seen the advantages that New Zealand received from their negotiations of a free trade agreement and what happened with dairy in their industries and the benefits to their farmers. Surely they would have thought that if this is happening across the ditch, we could do it here. But, no, what the government at that point in time was worried about was cash for clunkers, massive debt, Fuelwatch and GroceryWatch. They were doing all of the things but helping farmers. They were doing all of the things but bringing a fair return back to the farm gate.

Mr Snowdon interjecting—

The SPEAKER: The member for Lingiari will desist!

Mr JOYCE: Now, with over 4,000 dairy farmers in Victoria, we are going to see a real increase in investment. That investment is happening already. It is happening already. Hope Dairies have put half a billion dollars on the table. They have put half a billion dollars on the table to expand dairy in an area where it is currently closing down in the Burnett. We see that Murray Goulburn is expanding their dairy production. Norco has just got a new contract for 90,000 litres over three months. This is a great return.

Opposition members interjecting—

The SPEAKER: If the member for Hunter wishes to join the member for Wakefield then keep it up.

Mr JOYCE: They are already exporting. They are already exporting over 10,000 litres of fresh milk a week. Of course fresh milk, also, is going to have its tariff reduced. All this means one thing; it means a better return. It means more jobs in the agricultural sector—38,000 new jobs last year. And the Council of Deans of Agriculture in universities have said that for every graduate there are five jobs. So all round this is a great return and all around this is a great outcome.
Ms PLIBERSEK (Sydney—Deputy Leader of the Opposition) (14:41): My question is to the Prime Minister. Did the Prime Minister promise, on the night before the election, that there would be no cuts to the ABC or SBS?

**Opposition members interjecting—**

**The SPEAKER:** There will be silence on my left.

Mr ABBOTT (Warringah—Prime Minister) (14:41): The point I have made earlier in question time today is that we never promised special treatment for the ABC of the SBS.

**Opposition members interjecting—**

**The SPEAKER:** The member for Newcastle can join the member for Wakefield under 94(a).

*The member for Newcastle then left the chamber.*

Mr ABBOTT: What is happening to the ABC and the SBS is, effectively, the application of an efficiency dividend. I should point out to the member who asked the question that before the election, the Treasurer—then then the shadow Treasurer—said very publicly of the ABC, 'If there is waste, we will cut it.' He said, 'If there is waste, we will cut it.'

Mr Burke: I rise on a point of order on direct relevance. There was no preamble. All we have asked the Prime Minister is: did he say these words? It should not require pages of notes. We think it was on television when he said it. What he is going to now is clearly not directly relevant.

**The SPEAKER:** I am listening to what the Prime Minister has to say. I will listen in terms of the question asked.

Mr ABBOTT: We clearly said that if we found waste we would deal with it. Let me quote from a former manager at ABC Radio National in the *Sydney Morning Herald* today—

**Opposition members interjecting—**

**The SPEAKER:** If the member for Lalor wishes to join the others outside, she may do so if she keeps it up.

Mr ABBOTT: She said:

Pockets of the ABC have been allowed to get too fat, flabby, wasteful and unaccountable.

**Opposition members interjecting—**

**The SPEAKER:** The member for McMahon may leave under 94(a).

*The member for McMahon then left the chamber.*

Mr ABBOTT: She went on:

The same efficiencies and workplace practices that are the norm in corporate Australia need to be front and centre at the ABC so that it remains a strong, independent voice that is both editorially robust and reflects who we are—a culturally, geographically and socio-economically diverse nation that doesn't believe anyone is entitled to a job for life at the taxpayer's expense.

Mr Snowdon interjecting—

**The SPEAKER:** The member for Lingiari is warned!
Mr ABBOTT: Well said! Well said by that former manager at ABC Radio National. Let me make this crystal clear. Members opposite might think that the ABC should not have to face an efficiency dividend. Members opposite might think that there is no such thing as waste at the ABC.

Ms Kate Ellis interjecting—

The SPEAKER: The member for Adelaide!

Mr ABBOTT: We think that the ABC should be treated in exactly the same way as other areas of government. Other areas of government are subject to an efficiency dividend, and that is exactly what the ABC should be subject to as well.

DISTINGUISHED VISITORS

The SPEAKER (14:44): I wish to advise the chamber that we have present in the distinguished visitors' gallery a delegation of parliamentarians from ASEAN. We have nine countries of ASEAN represented here today. We make you very much welcome on the occasion of the 40th anniversary of the ASEAN-Australia Dialogue Relations.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Trade with China

Mr BROADBENT (McMillan) (14:44): My question is to the Minister for Education. Will the minister inform the House of the benefits to the Australian international education sector, following the successful negotiation of the Australia-China Free Trade Agreement?

Mr PYNE (Sturt—Leader of the House and Minister for Education) (14:45): I am delighted to get a question from the member for McMillan on higher education and international exports, because this side of the House is focused on jobs and focused on growth. The China-Australia Free Trade Agreement will lead to more jobs in Australia and more growth in Australia, adding to the wealth of our nation and our people.

Last week, I signed two agreements with my Chinese counterparts as part of the free trade agreement, which will broaden and deepen the international education relationship between Australian institutions and Chinese institutions and researchers. The Department of Education has today released a research snapshot which shows that China is a quarter of our international education exports—$4.1 billion out of $16.3 billion. International education is our third-largest export, and China is No. 1 as part of that international export. This is a very important development for Australian institutions, whether they are universities or whether they are schools. There are 130,000 Australians already employed in Australian universities.

The practical impact of the free trade agreement is that, within a year of it being signed, 77 non-university higher education providers will immediately become part of the official Chinese website, which says to Chinese students and potential Chinese students that these institutions are trusted places for Chinese students to attend. They add to the 105 already there; but those 105 had to painstakingly go through the process, one by one, to get there. The free trade agreement clears the hurdles that would have been in the paths of those 77 institutions, leading to a direct benefit for Australians in terms of jobs, in terms of growth and in terms of adding wealth to our country. So I do welcome this development and congratulate the Minister for Trade and Investment on delivering on it.
I say to the senators who are currently considering the higher education reform bill that this practical change to the free trade agreement affects states like South Australia, where $972 million a year goes because of international education exports; Queensland, $2.4 billion; and Western Australia, $1.2 billion. In Victoria, it is their No. 1 export, earning them $4.7 billion. When the Senate comes to consider the higher education reform bill, it should consider that, if we do not change our universities, the international education market is at risk in the future—directly affecting jobs, growth and wealth in this country.

**Australian Broadcasting Corporation**

**Special Broadcasting Service**

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:48): My question is to the Prime Minister. Is the following transcript an accurate report of the SBS interview that the Prime Minister did on 6 September 2013: 'No cuts to the ABC or SBS'? Is that accurate?

The SPEAKER: If the honourable member wishes to rephrase his question he may do so, because transcripts is not part of the things which the Prime Minister is responsible for.

Mr SHORTEN: My question, therefore, to the Prime Minister—to comply with Madam Speaker—is: did the Prime Minister say on the night before the election, 6 September 2013, on SBS television: 'No cuts to the ABC or SBS'?

Mr ABBOTT (Warringah—Prime Minister) (14:49): I did not say there would be special treatment for the ABC. An efficiency dividend—

*Opposition members interjecting—*

The SPEAKER: I have had enough of the wall of noise and cacophony on my left. It will cease or there will be more people joining those who have already left.

Mr ABBOTT: I know that members opposite do not want to talk about the future. They want to dwell in the past. I know that members opposite were incompetent in government, and now they are wreckers in opposition. I know that, while this government is trying to build Australia's future, members opposite are doing their best to sabotage it. Let me say this: I never said there would be special treatment for the ABC. Everyone knew that there was going to be an efficiency dividend.

Ms Hall interjecting—

Mr Chester interjecting—

The SPEAKER: The member for Shortland and the member for Bendigo will cease, or they will leave.

Mr ABBOTT: Effectively, what we are doing to the ABC is applying an efficiency dividend to it. The difference is that, instead of getting $6.9 billion over the next five years, the ABC and the SBS are getting $6.6 billion. That is what is happening. Instead of $6.9 billion, they are getting $6.6 billion. I ask the Leader of the Opposition: is he—

Mr Shorten: Madam Speaker, I rise on a point of order on relevance. It was a very straight question: did the Prime Minister or did he not say: no cuts to the ABC or SBS?

The SPEAKER: The member will resume his seat. I will listen to the Prime Minister's answer relating to the question.
Mr ABBOTT: The challenge for the Leader of the Opposition, if he wishes to persist in this, is to say whether or not he is going to restore ABC funding. Is he going to give an extra $250 million to the ABC? Because if he is not prepared to say yes, he is a fraud.

Opposition members interjecting—

The SPEAKER: I said: enough! The member for Adelaide and the member for Ballarat will leave under 94(a).

Mr ABBOTT: If he is not prepared to say yes, that he will instantly restore $250 million to the ABC and the SBS, he is simply a fraud.

The SPEAKER: And the member for Ballarat!

Mr ABBOTT: Let me repeat: this is a government—

Mr Burke: Given that the member for Adelaide was silent, what standing order was she thrown out under?

The SPEAKER: She was not silent. I would say to the Manager of Opposition Business that it would be a good idea if you could keep them under control a little. The Prime Minister has the call.

Mr ABBOTT: Madam Speaker, what we are seeing from the opposition today is an opposition which is completely bereft of any ideas for our future—an opposition that wants to obsess about the past and not build for the future and an opposition that was utterly incompetent—

The SPEAKER: The Prime Minister will resume his seat. Has the Prime Minister concluded his answer? The Leader of the Opposition.

Mr Shorten: I seek leave to move the following motion:

That the House censures the Prime Minister—

Government members interjecting—

Mr Pyne: The call has been given to the Prime Minister and seeking leave to move that motion needs to be done between two items of business. One item of business has not been closed—that is, the Prime Minister's answer to that question.

Mr Burke: On a point of order, Madam Speaker. The Leader of the Opposition stood and you gave him the call. He then sought leave, which members are allowed to do at any time.

The SPEAKER: The Prime Minister indicated that he had not concluded his answer.

Opposition members interjecting—

Mr Burke: Notwithstanding that the Prime Minister indicated that, you gave the call to the Leader of the Opposition. Having been given the call, he sought leave and is in the middle of doing so. Members are allowed to do that at any time that they get the call, and he was given the call.

Mr Pyne: Madam Speaker, I assume when you gave the call to the Leader of the Opposition that you thought he was taking a point of order.

Opposition members interjecting—
Mr Pyne: If they wait 40 seconds they will be able to move their motion. While I am on my feet, Madam Speaker, I think you asked the member for Ballarat to leave the House under standing order 94 (a) and she remains.

The SPEAKER: I did indeed.

Mr Pyne: So she is defying your direction to her.

The SPEAKER: There is so much noise in the chamber today that I am not surprised she did not hear. I give the call to the Prime Minister.

The members for Adelaide and Ballarat then left the chamber.

Mr ABBOTT: This is a government which is steadily, carefully, methodically doing what is necessary to implement our commitments. We said the carbon tax would go, and it has gone. We said the mining tax would go, and it has gone. We said we would stop the boats and the boats—

The SPEAKER: The member for Isaacs will leave under 94 (a).

The member for Isaacs then left the chamber.

Mr ABBOTT: are all but stopped. We said we would build the roads for the 21st century, and they are underway. We said we would repair the budget, and that is exactly what we are doing. This wrecker—this man with no answers and just one long complaint—should stand up at the dispatch box and tell people: is he going to give the ABC an extra $250 million? If he won't do that, he is a fraud. (Time expired)

Opposition members interjecting—

The SPEAKER: We will have no motion at all until there is quiet in this chamber. The behaviour here today is disgraceful. The Leader of the Opposition has the call.

MOTIONS

Prime Minister

Attempted Censure

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:55): I seek leave to move the following motion:

That this House censures the Prime Minister for:

(1) repeatedly and deliberately misleading the Parliament and the Australian people by promising:

(a) “no cuts to the ABC or SBS” but cutting over $500 million and at least 400 jobs from these organisations;

(b) before the election “no cuts to education” and “no cuts to health” but cutting $80 billion from schools and hospitals;

(c) before the election “no cuts to education” but cutting more than $5.8 billion from our universities, meaning Australian students will pay more than $100,000 for a degree;

(d) before the election “no cuts to education” but cutting more than $5.8 billion from our universities, meaning Australian students will pay more than $100,000 for a degree;

(e) “no change to pensions” but cutting $450 million from pension indexation;

(f) “no change to the GST” but blackmailing states and territories to make the case for him;

(g) to build submarines in Australia but going back on this promise; and
(h) no new or increased taxes but ambushing the Australian people with a $2.2 billion petrol tax; and

(2) his dishonest and unfair budget which is hurting Australians.

Mr PYNE (Sturt—Leader of the House and Minister for Education) (14:57): Leave is not granted.

Mr SHORTEN (Maribyrnong—Leader of the Opposition) (14:57): I move:

That so much of standing and sessional orders be suspended as would prevent that Honourable the Leader of the Opposition from moving the following motion immediately.

That this House censures the Prime Minister for:

(1) repeatedly and deliberately misleading the Parliament and the Australian people by promising:

(a) “no cuts to the ABC or SBS” but cutting over $500 million and at least 400 jobs from these organisations;

(b) before the election “no cuts to education” and “no cuts to health” but cutting $80 billion from schools and hospitals;

(c) before the election “no cuts to education” but cutting more than $5.8 billion from our universities, meaning Australian students will pay more than $100,000 for a degree;

(d) before the election “no cuts to health” but hitting Australians with a GP tax every time they visit the doctor;

(e) “no change to pensions” but cutting $450 million from pension indexation;

(f) “no change to the GST” but blackmailing states and territories to make the case for him;

(g) to build submarines in Australia but going back on this promise; and

(h) no new or increased taxes but ambushing the Australian people with a $2.2 billion petrol tax; and

(2) his dishonest and unfair budget which is hurting Australians.

The Prime Minister stared down the barrel of a camera the night before the election and he promised:

… no cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS.

This is why we must suspend standing orders. In question after question in this parliament today, the words of the Prime Minister were put back to him. Did he have the honesty to say: 'I said this'? Not at all. Instead he ran all sorts of disingenuous, dishonest defences.

He said he promised no special treatment. Well, actually, he did. He said, 'no cuts to ABC, no cuts to SBS'. We did not make him say that script. I am sure there are now ministers in the government slapping their hands over their foreheads and saying, 'What on earth was the Prime Minister thinking?'. But this is a Prime Minister who was adrift in terms of his own policy. He has no regulators or breaks in terms of what he says and when he says it. He promised no cuts to education, no cuts to health, no changes to pensions, no changes to the GST and no cuts to the ABC or SBS.

This is why we should suspend standing orders: he is cutting half a billion dollars from the ABC. This Prime Minister says, 'It's just waste.' How dare this man say to 400 people that you are just a waste. How dare he say, as he shuts down the ABC radio in Morwell, that that is just a waste—and in Gladstone and in Nowra. This is a Prime Minister who does not know the value of the people who work for the public service of Australia. He has taken over $45
million as a down-payment out of the Australia Network. Then he sent Malcolm Turnbull, a
man who spent his adult political life trying to pretend he is different from Tony Abbott—

Opposition members: Stay! Stay!

Mr SHORTEN: Actions speak louder than words for Malcolm Turnbull.

What we see with the ABC is that the Prime Minister is engaging in an extremist, ruthless
right-wing campaign to silence the ABC.

The SPEAKER: The member for Lalor will go back to her seat or remain silent.

Mr SHORTEN: This is a Prime Minister who has no integrity when it comes to keeping
his commitments to the Australian people. The reason we believe that standing orders should
be suspended to censure this Prime Minister is that it is not just about the cuts to the ABC.
What he is seeking to do is lay waste to the moral basis of pluralism and democracy in this
country. He is a narrow man and he has no ideology other than extremism.

Look at what they seek to do to our hospitals. In the budget—the document that dare not
speak its name, the document that has effectively destroyed the authority of the Treasurer in
this parliament once and for all—they say there are no cuts to hospitals. But when you study
their budget documents they clearly show that there are massive cuts coming to hospitals.
Tony Abbott has now excised the state of Victoria from the Australian Commonwealth—that
is why he sends his foreign minister to visit Victoria. And of course his poor old beleaguered
Victorian MPs love the petrol tax three weeks out from an Victorian election—another gift
from a foreign nation called Tony Abbott! They are going to cut $13 billion from the hospitals
of Victoria over the next 10 years. Shame Liberal, shame.

Then we look at schools. Before the last election the Prime Minister said no cuts. They
send out the petition meister, the education minister—I tell you what, if you ever need a
cabinet minister, don't ring him, but if you want an ineffective petition, Christopher Pyne is
your man. He would actually be hilarious if he were not a cabinet minister. The issue is that
they are going to cut billions from schools.

This is a government that is adrift. They have no domestic policy. The budget indicates
their failure to have a plan for Australia. There is no future plan for Australia under this
government. They say before the election they support needs based funding. They say before
the election that they are the best friends that public schools will ever see. Then, once they get
elected, they break their promise. But it does not just stop at hospitals and it does not just stop
at schools.

How about the submarines promise? Who knows what deal this Prime Minister has done
with the Prime Minister of Japan and the Americans not to build submarines in Australia?
That will come out. But the Prime Minister promised. It does not matter about the shouting
from the beleaguered backbench of the government. Late at night, when they pull the doona
over their head, in that fearful part of their heart they know that the Prime Minister has led
them into a colossal disaster. Why on earth did the Prime Minister lie? This is a Prime
Minister who made his reputation, more than any other figure in modern Australian politics,
when he tried to crucify Julia Gillard by saying he would not break his promises.

Honourable members interjecting—

The SPEAKER: There will be silence on both sides!
Mr SHORTEN: But there is no Prime Minister who has ever broken so many promises. Look at this smirking fellow—he is so happy with himself. What did he say today? 'I didn't say there'd be special treatment.' He has attacked the media, the ABC, for being wasteful. Who are you to defame so many people in our public broadcaster?

It is not just the submarines. What about the petrol tax? How many Victorian MPs have asked Tony Abbott to come and open their launches in the state campaign? If there are more than none, I will be amazed. But it is not just that. Then we look at the GST. This is a Prime Minister who has turned his back on all his own views in *Battlelines* and believing in a strong national government. He is disowning the functions of the federal government, he is turning his back on 50 years of cooperative federalism and he is saying, 'We are going to cut and cut and cut the funding to the states to force them to have a GST debate.' This is a Prime Minister who does not have the courage to advocate his own reforms. I would have more respect for his ideology but for his policy courage if he would come out and advocate a GST, because that is what he thinks. And Australia knows what he thinks.

Then of course we get to arguably the greatest travesty of this government—the attack on the hopes and dreams of millions of Australian students and their families. Those opposite want to create a two-class Australia and a two-tier education system. What they wish to do to higher education is disgraceful: a 20 per cent cut to the funding of universities, doubling the bond rate of the repayment debts of students who go to university. Listen to the silence now. It speaks volumes. Even those opposite know the truth.

This is a government who deserves to be held to account, and that is why standing orders should be suspended. No cuts to pensions, no cuts to the ABC or SBS, no cuts to hospitals or education, no changes to taxes. This is a government who not only lies to the Australian people, who cheated their way into the election by lying to the Australian people; they now lie about lying. Shame, Prime Minister, shame.

The SPEAKER: Is the motion seconded?

Mr Clare: The motion is seconded, and I reserve my right to speak.

Mr PYNE (Sturt—Leader of the House and Minister for Education) (15:07): I do appreciate the opportunity the Leader of the Opposition has given us to actually talk more generally about the points he has been making.

Opposition members interjecting—

The SPEAKER: The member for Lingiari will remove himself from the chamber under standing order 94(a).

The member for Lingiari then left the chamber.

Mr PYNE: This is a very broad motion and I would remind the Leader of the Opposition that at no point during his rambling speech did the government take the general point of order that he was not talking to the suspension of standing orders, so I intend to use this as an opportunity to outline to the House and to the Australian people the realities of the political situation that we found ourselves in 12 months ago.

Twelve months ago, after 2007 to 2013, one of the most rotten governments in Australia history was cut down by the Australian people in a landslide defeat. It was not a fluke. It did not just happen. They did not just fall out of office. It was not by one or two seats or half a per
cent. They were beaten and beaten badly, because they had six years of the most grotesque chaos and dysfunction that the Australian public has ever had to tolerate.

Let's go through it. They had a Prime Minister in Kevin Rudd. They went to bed one night with Kevin Rudd as the Prime Minister and they woke up the next morning with Julia Gillard was the Prime Minister. They went to bed one night with Julia Gillard as Prime Minister and the next morning they woke up and Kevin Rudd was Prime Minister again. In a six-year period they managed to knife two Prime Ministers in the back, led by the Leader of the Opposition, 'Bill the knife'. In fact, it was exposed by Paul Kelly in his excellent book, where he wrote: 'The Gillard camp was contemptuous of Shorten, considering him weak and duplicitous'.

The Australian public know that for all of the huffing and puffing, all of the confected outrage from the Leader of the Opposition, he has not at any point said that he would put any of the money back that he claims has been taken from any of the areas of government spending. Whether it is efficiency dividends or whether it is a reduction in the increase in spending, he has not said he will put any of that money back or return things to the state they were in in 2013, because he knows that he cannot.

At the next election, in 2016, the Australian public will be faced with the prospect of electing a weak and duplicitous Leader of the Opposition, who could not stay loyal to one Prime Minister, let alone two Prime Ministers, because he was so ambitious, so ruthless and so relentless in his pursuit of power that he stabbed two Prime Ministers in the back, not just one.

During those six years we had Harry Jenkins stabbed in the back and replaced by Peter Slipper, as the Speaker. We had Craig Thomson defended and supported by this Leader of the Opposition and by Julia Gillard throughout the tawdry period when we were trying to bring Craig Thomson into this House to explain himself. We had the pink batts disaster. We had 'cash for clunkers'. We had $16.5 billion wasted on school halls throughout Australia. We had the live cattle export disaster, based on one television program on Four Corners. The Labor Party thought it was good public policy to destroy the live cattle export industry in Australia, putting 1,000 Indigenous workers out of their jobs, destroying livelihoods, destroying farms and breaking people all across Northern Australia.

Opposition members interjecting—

The SPEAKER: The member for Watson!

Mr PYNE: They thought that was good government policy. This particular shadow minister here was the one who brought the great super-trawler to Australia, and when the heat came on he stopped the super-trawler from coming into Australia. He was one of the most dangerous vandals to ever hold office in the cabinet of Australia.

The list goes on. When we took over, in 2013, thanks to the Australian public, we were faced with $123 billion of deficits as far as the eye could see. If we had done nothing at all, our debt would have risen to $667 billion—$123 billion of deficits and $667 billion of debt. That is the legacy that Labor left us.

But it is even worse. It was this Leader of the Opposition who brought the CFMEU back into the cabinet room and gave them a seat at the cabinet table. As the minister for industrial relations, he structured industrial relations in this country so that the CFMEU would be able
to bring their thuggery, their standover tactics and their outright criminality to building and construction sites throughout the country, once again, having been forced off them by the Australian Building and Construction Commission, set up by the current Prime Minister many years ago.

The list is endless. They misled Australians on a grand scale. Who can forget the current member for Lilley standing up and announcing the 'three years of surpluses that I deliver tonight', knowing that they were never going to deliver a surplus and having not delivered one since 1989. This is the chaos and dysfunction that greeted us when we took over the Treasury benches in 2013. They mugged the mining industry with the mining tax. They mugged export exposed industries through the carbon tax. They cost households at least $550 a year in the electricity bills. They shut down small businesses reliant on electricity and gas, because of the carbon tax. They did all of these things and not unnaturally the Australian people decided to hand over the reigns of power to the current government.

What did we say? Our commitment was this, and I quote the current Prime Minister: 'This is what a Liberal and National Party government will do. We will build a stronger economy so that everyone can get ahead. Free trade agreements with Korea, China and with Japan. A growing economy with 109,000 jobs, at least, created by this government. We will scrap the carbon tax so that your family will be $550 a year better off.' Done. The carbon tax has been abolished. Labor wants to bring it back. We will get the budget back under control by ending Labor's waste, and that is what we are doing, right across government. No agency, no authority and no department should be immune from trying to be less wasteful and spend taxpayers money as well as they possibly can. The government's money is not sitting in the Treasury somewhere, belonging to the government; it belongs to the Australian people, Madam Speaker, and we should never waste one dollar—let alone never apply an efficiency dividend—to an authority that has a $6.9 billion dollar budget over the next five years—for 20 years. The ABC had no efficiency dividend for 20 years. We will stop the boats—tick; we have certainly stopped the boats. This shadow minister, again, said it could not be done. The Left said: 'It is not possible. It is impossible to stop the boats.' What has happened? In the last 12 months, while the Minister for Immigration has been at the helm, the boats have stopped. The children are getting out of detention. We are closing detention centres, whether it is at Curtin or whether it is at Inverbrackie. The Australian public are not stupid, Madam Speaker. They see all these things. They certainly listen to the static that goes on in this place and elsewhere—but they know in their heart of hearts that the government is delivering on its promises.

The Prime Minister also said, 'and we will build the roads of the 21st century'—and that is exactly what we have done; we have started the process, having picked up the broken infrastructure portfolio from the current member for Grayndler. We are getting things done. They were good at announcing things, Madam Speaker. They were good at photo opportunities, although it did not save them. But the current minister for transport and infrastructure is actually getting the work done—to make sure that there are bulldozers moving, and that there are sods being turned on roads infrastructure—whether it is the North-South Corridor in South Australia or the East West Link in Victoria, this government knows that we have to get things done to create jobs and to create growth.
The fundamental difference between us and Labor and the Greens is that we do not just play politics every day; what we do, as cabinet ministers and as members of this government, is every day we think: 'How will we get more jobs flowing into our electorates? How do we get more growth in the economy? How do we repair the damage done by Labor, so that business can create jobs?' That is what we on this side of the House do. We did it in the Menzies era, we did it in the Fraser era, we did it in the Howard era, and we will do it again in the Abbott era. All Labor does is think every day, 'How can we play politics? How can we play politics with people's lives? How can we play politics with household budgets? How can we play politics with big developments like the Olympic Dam in South Australia? How can we give the unions more power and control, so they keep voting for us in preselection?' The fundamental difference between this side of the House and the opposition is this: we care about the Australian public, and they care about the Australian Labor Party. So we will keep doing what we are doing. We will keep governing for the betterment of Australia, and I am absolutely confident that at the next election, the Australian public will support us.

Mr CLARE (Blaxland) (15:17): There is an old 1957 movie called *Witness for the Prosecution*, where Charles Laughton plays a crusty old barrister called Sir Wilfrid, and in cross-examination he says to the witness, 'Were you lying then, are you lying now, or are you just a chronic and habitual liar?' Well, Madam Speaker, that is what the Australian people are now asking about this Prime Minister. Put him on a lie detector and it would blow up—because he has broken so many promises. He broke his promise that there would be no cuts to health. He said that there would be no cuts to education—broken. He said there would be no changes to the pension—broken as well. And he said there would be no cuts to the ABC, and no cuts to SBS—so many broken promises.

It is so bad that this is now an issue of trust. People are wondering if they really can trust this Prime Minister. He has become the thing that he once so despised. Remember: this is the man who ran around the country for three years, screaming about broken promises, and saying some things that deserve repeating. He said things like this: 'What I want to do is re-establish the bonds of trust that should exist between government and the people.' So he says all of that—and then he gets into government and breaks every promise he ever made. Hollywood could not make this sort of stuff up. It is like Jekyll and Hyde. I sometimes think he must have amnesia, because by making all these promises and then breaking them, he has shredded his credibility. People trusted this Prime Minister. They might have had their doubts, but they put their faith in him. They trusted him. I do not think they will again.

People do not like it when politicians lie to them, but there is something they hate even more than that. They hate it when people lie about lying—and that is what we have seen in the last few weeks. Last week we had the finance minister, Senator Cormann, say, 'there are no cuts'. And then today, the Leader of the Government in the Senate, Eric Abetz, said, 'nobody has lost their job'. Well, hang on a second; last week they announced hundreds of millions of dollars worth of cuts to the ABC, and today we find out that up to 400 people are going to lose their jobs. So what is the Liberal party's new strategy here? Is it the Jedi mind trick? What is going on here?

Then you have Minister Turnbull—

An opposition member: He is not even in the chamber!
Mr CLARE: Minister Turnbull is not here. Or, as I like to call him, the new Dennis Denuto of the Australian parliament—because his answer to this broken promise last week was, 'It is all the context. It is all the context.' It is getting ridiculous. It reminds me of that old Bill Clinton story about when he takes his old dog, Buddy, to the vet. He takes his dog to the vet to get desexed, and the vet says, 'don't worry, I will fix him.' And Bill Clinton says, 'that is not a fix; that is a cut.' And we know that this is not a fix; this is a cut, and it is a broken promise, made even more ridiculous by old 'Pontius Pilate' Pyne over there, who cannot fight for the ABC in the cabinet room—he has to put up a petition. And then you have Barnaby barnstorming around the country saying, 'no cuts to the ABC in the bush', and Malcolm Turnbull saying: 'It will all be back-office. Don't worry about that.' Well, today we learned there will be cuts to five regional radio stations; we will lose the 7.30 state editions, *Lateline* will go to ABC News 24, foreign bureaus will be cut, there will be less sport on the ABC, and 400 people will get the sack—that is why people are angry. They do not like being lied to and they do not like their government lying about lying. That is why people right across this country are thinking the same thing that Charles Laughton said in that old movie: were you lying then, are you lying now, or are you just a chronic and habitual liar?

The SPEAKER: The question is that the motion be agreed to.

The House divided. [15:26]

(Deputy Speaker—Hon. Bruce Scott)

Ayes .................43
Noes .................85
Majority.............42

AYES

Albanese, AN
Bird, SL
Burke, AE
Butler, MC
Byrne, AM
Chesters, LM
Collins, JM
Fenney, D
Fitzgibbon, JA
Hall, JG (teller)
Husic, EN
Leigh, AK
MacTiernan, AJGC
Neumann, SK
O'Neil, CE
Parke, M
Pilcher, TJ
Rishworth, AL
Ryan, JC (teller)
Swan, WM
Thomson, KJ
Zappia, A

Bandt, AP
Brodtmann, G
Burke, AS
Butler, TM
Chalmers, JE
Clare, JD
Elliot, MJ
Ferguson, LDT
Gray, G
Hayes, CP
Jones, SP
Macklin, JL
Marles, RD
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Shorten, WR
Thistlethwaite, MJ
Wilkie, AD
Question negatived.

Mr Abbott: I ask that further questions be placed on the *Notice Paper*.

**PERSONAL EXPLANATIONS**

Ms PARKE (Fremantle) (15:32): Mr Deputy Speaker, I wish to make a personal explanation.

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The DEPUTY SPEAKER (Hon. BC Scott): Does the honourable member claim to have been misrepresented?

Ms PARKE: Yes.

The DEPUTY SPEAKER: Please proceed.

Ms PARKE: Firstly, in an article in The Jerusalem Post on 11 November, it was stated that I support a boycott of Jewish businesses such as Westfield. That is not true. I have never expressed support for any campaign against Jewish businesses and I have never made any public comment about Westfield. What I have said is that a boycott of businesses or government agencies directly involved in actions that are illegal under international law, such as the creation of Israeli settlements in Palestinian territory, is a legitimate form of peaceful protest.

Second, in an opinion piece that appeared in The Canberra Times and other Fairfax publications, and in The Jerusalem Post, it was claimed that, while I had focused on the plight of Palestinians, I had ignored the voiceless victims of egregious crimes elsewhere. That is incorrect. Any examination of my public and parliamentary record will find that I have repeatedly and consistently spoken out for people facing disadvantage, persecution and human rights abuses both within Australia and in many countries the world over. The same opinion piece claims that I linked militant Islam with the actions of Israel. This is incorrect. In my parliamentary speech of 27 October, I said the ongoing conflict between Israel and Palestinians is a powerful recruitment tool for extremist groups.

Third, in the other place on 30 October, Senator Sterle claimed that I have demanded Israeli women be subject to the rule of Hamas and that I have put forward propaganda that 'comes directly from organisations and groups that are devoted to genocidal ideologies'. I have done neither of those things and it is ridiculous that Senator Sterle would say so. Senator Sterle also claimed that my comments in support of boycott, divestment and sanctions, or BDS, are contrary to the Labor policy of supporting a two-state solution. That is incorrect. I have clearly stated my support for a two-state solution, the right of Israel to exist alongside a new state of Palestine. Furthermore, there is nothing in Labor's platform against BDS.

AUDITOR-GENERAL'S REPORTS

The DEPUTY SPEAKER (Hon. BC Scott) (15:32): I present the following documents:

Auditor-General—Audit reports of 2014-2015—Performance audit—

No. 4—Second follow-up audit into the Australian Electoral Commission’s preparation for and conduct of Federal elections: Australian Electoral Commission.

No. 5—Annual compliance arrangements with large corporate taxpayers: Australian Taxation Office.

No. 6—Business continuity management: Civil Aviation Safety Authority; Department of Finance; Department of Social Services.

No. 3—Fraud control arrangements: Across Entities—Corrigendum.

No. 4—Second follow-up audit into the Australian Electoral Commission’s preparation for and conduct of Federal elections: Australian Electoral Commission—Corrigendum.

Ordered that the reports be made parliamentary papers.
DOCUMENTS
Parliamentary Service Commissioner
Presentation
The DEPUTY SPEAKER (Hon. BC Scott) (15:32): I present the annual report of the Parliamentary Service Commissioner for 2013-14.

Norfolk Island Legislative Assembly
Presentation
The DEPUTY SPEAKER (Hon. BC Scott) (15:32): I inform the House of the following resolution conveying a motion and statement on a matter of public importance received from the Norfolk Island Legislative Assembly relating to the governance of Norfolk Island:

That this House resolves that the Speaker of the Legislative Assembly of Norfolk Island should convey the Motion and the Statement of a Matter of Public Importance as noted and printed to the Honourable Speaker of the House of Representatives in Canberra requesting that the Honourable Speaker bring it to the attention of Members of the House of Representatives:

That this House:
(1)Values the relationship that Norfolk Island has with the Commonwealth of Australia.
(2)Reaffirms its commitment to the Norfolk Island Government’s preferred model of territory self-governance.
(3)Calls on the Parliament of the Commonwealth of Australia that before voting on any bill to change the governance arrangements for Norfolk Island established by the Norfolk Island Act 1979 (Commonwealth) that the residents of Norfolk Island:
   (a)be provided with details and facts as to any proposed changes; and
   (b)be consulted to ensure a democratic and open and transparent say on the future model of governance for Norfolk Island.

MATTER OF PUBLIC IMPORTANCE
In accordance with Standing Order 81, I seek approval to propose a Matter of Public Importance at the next sitting of the Norfolk Island Legislative Assembly on Wednesday, 15 October 2014 in relation to the future model of governance for Norfolk Island.

This request is a result of the outcomes from a meeting held in Adelaide on Wednesday, 8 October 2014 with the Hon Jamie Briggs MP, Assistant Minister for Infrastructure and Regional Development, who is the responsible Commonwealth Minister under the Norfolk Island Act 1979—Lisle Snell, Chief Minister and Minister for Tourism.

CONDOLENCES
Whitlam, Hon. Edward Gough, AC, QC
The DEPUTY SPEAKER (Hon. BC Scott) (15:32): I inform the House of the following resolution agreed to by the New Zealand House of Representatives on Tuesday, 21 October 2014:

That this House express its sadness at the passing today of former Australian Prime Minister, Hon Gough Whitlam AC QC, aged 98.
Mr PYNE (Sturt—Leader of the House and Minister for Education) (15:36): Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings.

MINISTERIAL STATEMENTS

ASEAN-Australia-New Zealand Free Trade Area

Mr ROBB (Goldstein—Minister for Trade and Investment) (15:36): by leave—It is with great pleasure that I table the first protocol to amend the agreement establishing the ASEAN-Australia-New Zealand Free Trade Area, AANZFTA, and the accompanying national interest analysis for the parliament's consideration. I signed the first protocol along with ministers from each of the other 11 AANZFTA parties in Nay Pyi Taw, Burma, on 26 August this year, at the time of the ASEAN economic ministers’ closer economic relations trade ministers consultations. In accordance with the government’s treaty-making procedures, the parliament's Joint Standing Committee on Treaties will now review the first protocol and, in due course, provide its report. The tabling of the first protocol today will also give the public the opportunity to scrutinise in detail the provisions of the treaty.

The first protocol will cut down the time spent by business on paperwork and, in a number of areas, make AANZFTA more consistent with Australia’s other free trade agreements. It will remove the need for business to provide certain information—which some regard as commercial-in-confidence—to obtain the benefits of the free trade agreement. The first protocol will simplify the presentation of the agreement’s rules of origin and bring them into line with the current version of the World Customs Organization’s harmonized system. Finally, the protocol will improve the process for administering the agreement.

This protocol makes doing business under the AANZFTA easier. It means more businesses will be able to access the opportunities the agreement provides. This is another example of the government cutting red tape to ensure our businesses reap the full benefits of our free trade agreements. This is a priority for the government. With the recent conclusion of trade agreements with Korea, Japan and now China, I am committed to ensuring our farmers, service providers and manufacturers can fully access the new opportunities these agreements create.

The protocol is an example of how our free trade agreements are living agreements. The conclusion of free trade negotiations is not an end. It is the start of a new discussion with our trade and investment partners, built on the foundation of the agreement, on increasing economic opportunities and on addressing persistent trade barriers. The China FTA, for example, includes a commitment to reopen negotiations on sensitive agricultural products in three years. The Japan-Australia Economic Partnership Agreement establishes an annual joint committee meeting to review implementation of the agreement and recommend amendments. The government will use these agreements to continue to create new market openings for Australian exporters and investors.

The protocol also reflects Australia’s long history of working with both New Zealand and the nations of South-East Asia to promote trade. This year we celebrate the 40th anniversary
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CHAMBER

of ASEAN-Australia relations, with Australia having become ASEAN’s first dialogue partner in 1974.

The AANZFTA agreement is the largest free trade agreement Australia currently has in force. Together, the parties to AANZFTA accounted for around 14 per cent of Australia’s exports of goods and services, valued at over $45 billion, and around 21 per cent of our imports of goods and services, valued at over $69 billion, in 2013. In 2013, almost 20,000 export shipments from all parts of Australia used the FTA to access AANZFTA markets. These shipments covered a broad range of products, including dairy and meat products, fresh fruit, cereals, biscuits and other food preparations, pet food, chemicals, plastics, copper and aluminium products, paper products, automotive parts and accessories and scientific instruments.

AANZFTA opened the door for Australia’s participation in the negotiations on a Regional Comprehensive Economic Partnership. This involves all ten ASEAN member states and the six countries with which ASEAN has free trade agreements: China, India, Japan and Korea as well as Australia and New Zealand.

The protocol amending AANZFTA will reduce red tape for business and make it easier for business to access AANZFTA benefits. It demonstrates the ongoing value of FTAs as vehicles for continuing to open new trade and investment markets and demonstrates the government’s strong commitment to making free trade agreements business friendly.

I commend this agreement to parliament and hereby table the First Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area and the national interest analysis, and a copy of my ministerial statement.

I ask leave of the House to move a motion to enable the honourable the Deputy Leader of the Opposition to speak for five minutes.

Leave granted.

Mr ROBB: I move:

That so much of the standing and sessional orders be suspended as would prevent Ms Plibersek speaking in reply to the ministerial statement for a period not exceeding five minutes.

Question agreed to.

Ms PLIBERSEK (Sydney—Deputy Leader of the Opposition) (15:42): On behalf of the opposition, I welcome the tabling of the signed First Protocol to Amend the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area and the accompanying national interest analysis. The ASEAN-Australia-New Zealand Free Trade Area agreement is a trade liberalisation agreement between 12 countries in the South-East Asia region—namely, Australia, New Zealand, Brunei, Cambodia, Indonesia, Lao, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam. The agreement is still acknowledged today as the most ambitious free trade agreement negotiated by Australia. It was signed on 27 February 2009 by former Labor trade minister Simon Crean. Since its coming into effect on 1 January 2010, trade between Australia, ASEAN and New Zealand has continued to flourish. In 2013, the parties to this regional free trade agreement accounted for 17.6 per cent of Australian two-way trade in goods and services. The amendments agreed to in this first
protocol will further enhance and promote this trade. This protocol aims to reduce red tape and increase harmonisation. Such aims will translate into trade efficiencies for our exporters and increased growth.

The protocol aims to facilitate trade by incorporating the consolidated product-specific rules, using the most recent version of the Harmonized Commodity Description and Coding System. This system is an international system first established in 1983, pursuant to the International Convention on the Harmonized Commodity Description and Coding System, commonly referred to as the harmonised system, or HS, code. This system is maintained by the World Customs Organization. Australia signed on to this trade-facilitating international convention during the period of the Hawke Labor government. Australia has continued to seek uniformity in its subsequent trade agreements by utilising the HS system.

Labor welcomes this amendment as well as others made by this first protocol that are aimed at facilitating trade by addressing administrative requirements and implementation issues. These include the removal of the requirement to reflect sensitive commercial information on the free-on-board value in the certificate of origin in cases where the regional value content criteria is not used. Other amendments include simplifying the presentation of the agreement's rules-of-origin provision.

Continuing to increase trade security and cultural relations in our South-East Asia region is crucial for Australia's future prosperity. Forty years ago, under the visionary stewardship of Australia's former Prime Minister Gough Whitlam, Australia became ASEAN's first dialogue partner. In 2012 Labor Prime Minister Julia Gillard tabled a comprehensive road map for Australia in the form of the white paper Australia in the Asian century. It is a shame that the intellectual rigor underpinning the long-term goals of that white paper have been archived by the current government.

The regional trading relationship reflected in the ASEAN-Australia-New Zealand free trade area has been successful for Australia and its partners. It has also served as a springboard to wider and deeper regional multilateral trade. As stated by the Minister for Trade and Investment, it was the ASEAN member states that initiated negotiations on the regional comprehensive economic partnership. Former trade minister Dr Craig Emerson participated in the formal launch of the regional comprehensive economic partnership negotiations in November 2012 at the ASEAN summit in Cambodia. Labor has since participated in subsequent negotiation rounds, and we support the government's efforts to make progress on this multilateral trade agreement. In addition, we urge the government to focus its trade negotiations on the more efficient and effective multilateral negotiations in priority of bilateral agreements.

Finally, I would like to acknowledge that trade facilitation measures that make trade easier and more consistent, such as those effected in the first protocol, are not considered controversial and are welcomed by business. I urge the government to properly build on these enhancements in a global context. The WTO's trade facilitation agreement, concluded for Australia by Dr Emerson in Bali in December last year, was a breakthrough on the Doha Round. Prompt implementation of this agreement was a key priority recommendation by the B20 at the recent G20 summit.

We urge the government to proactively work with other WTO members to quickly get this agreement back on track. We can assure the government of Labor's strong bipartisan support
on this WTO agreement which will lift economic growth and jobs. Labor welcomes the tabling of the AANZFTA first protocol. We encourage business to become familiar with the terms of the protocol and to make submissions to the Joint Standing Committee on Treaties during the committee's inquiry on the protocol.

**BILLS**

**Health and Other Services (Compensation) Care Charges (Amendment) Bill 2014**

**Aged Care and Other Legislation Amendment Bill 2014**

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

**Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014**

Debate resumed on the motion:

That this bill be now read a second time.

Ms PRICE (Durack) (15:48): I applaud the Australian and New Zealand police commissioners who this morning came together here at Parliament House to stand against violence towards women and children. I was particularly pleased to see my Western Australian commissioner, Karl O'Callaghan, who joined with this group. This is a very powerful union which sends a strong message that our police leaders take claims of domestic violence seriously and puts perpetrators of domestic violence on notice that Australia does not tolerate domestic violence towards women and children, that perpetrators will be 'punished with the full severity of the law'—to quote the Prime Minister from this morning's event—and that domestic violence victims will be protected.

In Geraldton, amphetamines and other synthetic drugs are prevalent amongst the general population as well as the Aboriginal population. We all see this in our towns, cities, rural communities and remote communities and also within our workplaces, families, friendship groups and neighbourhoods. I recently hosted a community crime forum in Geraldton where my co-host for the day, the Minister for Justice, the Hon. Michael Keenan, was urgently called back to Canberra as soon as he disembarked his flight in Geraldton. The forum, held on 18 September, went some way towards further fleshing out the drug related crime incidence and the causes and strategies in place to counter these in Geraldton. During the forum, we sought the community's views on what practical and tangible actions might be taken to help address the crime and antisocial behaviour which frequently stems from drug and/or alcohol abuse. I acknowledge the City of Greater Geraldton, the Geraldton police and regional Western Australia commander Murray Smalpage for their support of and participation in the forum and the excellent work they are doing in Geraldton and its surrounds to help combat the supply of drugs into the region and to help combat antisocial behaviour, crime, violence and personal harm arising from drug and alcohol abuse.

It is worth recording some key sentiments that emerged from the crime forum discussions amongst the 50-odd participants. One was that illicit drug use feeds crime, including burglary, house break-ins and muggings, and that the regrettable loss of funding for programs such as
the youth bus and Midnight Basketball will have adverse impacts. People are terribly concerned about this because they fear an increase in drug taking, antisocial behaviour and crime.

Another observation was that leadership within the Geraldton community, both Indigenous and non-Indigenous, is strong and that joint endeavours to address drugs, crime and associated impacts of harm and violence are characterised by collaboration and planning amongst stakeholders, both government and not-for-profit groups. There is a strong sense that there is capacity in Geraldton to address the problem; however, a long-term view, with bipartisan support and ongoing funding for programs, is an essential element.

Food, clothing, shelter, education and personal safety were considered causal factors for alcohol and drug abuse and resultant antisocial behaviour, harm and violence. Another observation was that drug and alcohol misuse and abuse are symptoms of greater problems and not the cause of people's problems. There was discussion of parental responsibility. Somehow, we must get parents to exercise responsibility. Money for programs can only achieve so much and is not the complete answer. It is about changing children's lives with their parents; it is not just about taking kids of the streets—although that is a jolly good start.

The discussion at the Geraldton community crime forum inevitably led to discussions that alcohol and illicit drugs are root causes of crime and antisocial behaviour, including domestic violence, underpinned by a range of social issues with which we here are all too familiar. A number of my constituents in Geraldton are passionate crusaders for drug reform. In particular, they campaign for a reduction in drug usage rather than for a reduction in harm caused by illicit drugs, which, they allege, simply fuels the gateway of the ongoing criminality of illicit drug dealing, manufacture and usage. The Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 will ensure that new psychoactive substances cannot be imported while the government assesses the harm they cause and considers the appropriate controls to place on them—thereby limiting supply and usage.

I am using the opportunity today to commend the work and the initiative being undertaken by the Midwest Gascoyne Human Services Regional Managers Group. This group comprises around 20 members, those members being the heads of government agencies—that is regional managers and CEOs—across the Mid West and Gascoyne regions of Western Australia, and is currently chaired by District Superintendent Andy Greatwood of the WA Police. This group has been in operation since 2006, which is more than eight years. They strive to coordinate resolutions and prioritise locational needs; act as a conduit between community and government departments, systems and processes; and facilitate and clarify funding possibilities to address local issues. The group recently developed a new strategic plan which aims to align the group with the cabinet standing committee on Aboriginal affairs and various state subcommittees. They meet regularly in Geraldton and Carnarvon and have a system of community based subcommittees which collaborate on program delivery, with a good deal of their time dedicated to dealing with the harms of alcohol and drug misuse.

Synthetic psychoactive substances pose a serious risk to the community, just as traditional illicit drugs do. Associated harm and tragic deaths arising from the use of these substances have been well reported. The legislation will ban all psychoactive substances unless they have a legitimate use and will close the loophole that allows people to avoid prosecution by ever so
slightly changing the chemical structure of a drug. I commend this bill which amends a series
of acts and contains a range of measures to improve Commonwealth criminal justice
arrangements, to ban the importation of substances that have a psychoactive effect and that
are not otherwise regulated, and to ensure that Australian Customs and Border Protection
officers have appropriate powers to stop these substances at the border. I commend this bill to
the House.

Mr STEPHEN JONES (Throsby) (15:54): The bill before the House is the Crimes
Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. The 'other
measures' go to firearms control and related matters—and I will have something to say about
that. We support the legislation. We have some deep concerns about the mandatory
sentencing provisions within the legislation, and I will have something to say about that as
well. Like previous speakers in this debate, I applaud action which is directed towards dealing
with the terrible scourge of drug addiction and all the social ills that that causes. However, I
have deep concerns about the capacity of the criminal law system to do all that is necessary,
particularly in the area of prevention and treatment, for those who are suffering from drug
addiction.

The measures within the bill ban psychoactive substances that are not otherwise regulated
or banned. The United Nations Office of Drug and Crime uses the term 'new psychoactive
substances' to refer to substances of abuse, either in pure or preparation form, which are not
otherwise controlled by the 1961 Single Convention on Narcotic Drugs or the 1971
Convention on Psychotropic Substances. A sense of the scale of the issue that we are dealing
with here can be seen by looking at those drugs that are currently proscribed by legislation—
that is, those drugs which it is a crime to use illicitly, to trade or to exchange. In mid-2012 the
number of these new psychoactive substances reported by the United Nations body exceeded
the number of substances that were under international control—251 to 234—for the first
time ever. That number rose over the next 18 months by around 38 per cent. Why is this
happening? Quite simply, as soon as legislatures around the world move to criminalise a
substance, canny marketers and chemists are able to bring new substances onto the market
which mimic the psychoactive effect of the proscribed drugs and to sell them to their
unwitting clients. Therefore it is necessary to take a different approach, at least a different
criminal law approach, to these substances.

Labor supports the way the government has approached this issue in this bill. We think that
it is a sensible approach. We know that we have a terrible problem with psychoactive drugs
within our community. I listened carefully to the member for Durack as she spoke about the
impact of psychoactive drugs on her community. I share those concerns. We have the same
problems within the area of Illawarra. I will return to this issue in a moment, but I also want
to say something regarding the firearms offences, the penalties for which are increased by this
legislation.

We support the strengthening of firearms penalties, but I have deep reservations about the
provisions within this bill that go to mandatory minimum sentencing. It is uncommon in
Australian law. Although some jurisdictions are getting more active in this space—notably in
New South Wales—we have deep concerns with this aspect of the bill. The shadow minister
for justice has indicated this in his reply to the second reading speech. I want to go through
some of the reasons why we have concerns about the mandatory minimum sentencing.
On 30 June 2011, the president of the Law Council of Australia, Mr Alex Ward, had this to say about the idea of mandatory sentencing:

Mandatory sentencing laws are the antithesis of fairness and have no place in the Australian criminal justice system.

He went on to say that:

Mandatory sentencing reduces the incentive for offenders to plead guilty and can lead to an increased case load for the courts.

All of that is true and it is borne out by the practice.

What mandatory sentencing does—as the former director of public prosecutions, Nick Cowdery, has pointed out—is it fetters the judicial discretion that is needed to provide justice within the context of each individual case. Parliament, in fact, is usurping the judicial discretion by introducing mandatory minimum sentencing. It actually sends, as the former DPP of New South Wales said, a vote of no-confidence from the parliament to the judiciary.

It also has the problem of undermining the system of guilty pleas upon which the criminal justice system relies. This is a point that has also been made by the Law Council. What that means is this: if a person is charged with a crime knowing that they are likely to be found guilty of that crime on the evidence that is before them, they are more likely than not to fight that tooth and nail if there is a mandatory minimum sentence in respect of that crime. That is as opposed to putting their hands up, as it were, and entering into a plea bargain. For this reason, it is likely to lead to more complex and hotly contested trials, in which families and witnesses have to return time and time again to court. It will undoubtedly lead to more costly, lengthy trials where that need not be the case.

From my own region and the University of Wollongong, Dr Quilter has argued that mandatory sentencing requirements do not remove discretion from sentencing but rather displace it from judges to police and prosecutors. She points out that:

Studies of mandatory sentencing indicate that ‘discretion’ is not removed from the system; rather it is displaced often onto police and prosecutors, and significantly so in the area of charging and charge negotiation.

The prosecuting authorities, and in particular the police, often have lots of options available to them as to the charges that they bring against an alleged perpetrator.

What Dr Quilter points out is that mandatory sentencing actually shifts the discretion to the police officers involved or the prosecuting authorities involved where it should probably belong with the judicial authorities. Once displaced onto the police and prosecutors, such decisions become unreviewable. This is to be contrasted with sentences that are determined by a judge, which are reviewable on appeal. Whilst we support the provisions in the bill, which go to the issue of firearms control, we have deep concerns about the mandatory sentencing provisions.

I return to the issue of the psychoactive substances, which is the main subject within the bill. It is most important provision, to my mind, within this bill. When a new drug appears on the streets, as I have asserted, it is not often captured by the existing legal definitions of existing illicit drugs. Organised criminals ran sophisticated operations and there is evidence emerging that they are now designing chemical substances to evade the existing legal definitions of illicit drugs.
Schedule 1 of this bill will mean that future psychoactive drugs that are not already defined in the Criminal Code will not be able to be imported while the government assesses the safety or harms associated with those substances. We say it is a sensible approach. We actually did a lot of work on this particular area where we were in government and we are proud of that fact. The existing legal framework on psychoactive drugs remains in place and this bill simply closes a legal loophole that previously allowed drugs that mimicked the psychoactive effects of illicit drugs to be imported until the government was able to assess and legislate to ban them, if necessary.

I will use this opportunity to say a few things about crystal methamphetamine. It is a scourge within my community in the Illawarra. I have spent the last couple of months travelling throughout rural and regional Victoria, New South Wales and other parts of the country. I can say that in each and every regional town that I have visited one of the first or second issues that they have raised with me, when I asked about the public health issues impacting on that community, was the issue of crystal meth. It is ruining lives, it is ruining communities and it is something that requires a response from all levels of government.

The National Drug and Alcohol Research Centre also found that the use of crystal methamphetamine or ice amongst a sample of regular injecting drug users has increased by 39 per cent between 2010 to 2011. That is an increase of 39 per cent. There has also been evidence showing that the number of seizures at the borders of amphetamine substances has skyrocketed over the last year. The level of purity is increasing and the number of ambulance responses to crystal meth cases is skyrocketing. Australia-wide there were more than 20,000 medical episodes where methamphetamine was a principal drug concerned between 2012 and 2013.

The statistics are alarming. It is not something that we can continue to ignore. As I have said, it is not something that can be dealt with by one jurisdiction alone nor is it something that can be dealt with purely within the purview of the criminal justice system. Based on the consultations that I have been engaged in throughout regional communities in Australia, we need to deal with the social issues that are leading to young people experimenting with illicit drugs. With crystal meth the length of time between experimentation and addiction is very short indeed, so we need to be dealing with the issues which are causing kids to experiment with crystal meth.

I was up in Moree just late last week and I was talking with leaders within the Aboriginal community there. They put it quite succinctly: when there is no hope within the community, when there is no hope of a job, when you are dealing with the lingering burden of decades of discrimination and you do not think that within your lifetime there is any prospect that things are going to change, then drugs like crystal meth become an attractive alternative. Unless we are able to deal with some of the social determinants that are leading kids in communities like Moree and communities right throughout the country—I do not want to point to one town because I have visited dozens—unless we are dealing with the social issues that are leading to drug use, we will fail.

We do need a criminal law response such as the bill before the House. There is no argument about that. We do need a criminal law response because, quite apart from the punitive effects of the criminal law, when the law says that this is an illicit substance it sends an important rhetorical message throughout the community that something is not good.
In addition to that, and in addition to dealing with the social determinants of drug use, we also need to be doing more in terms of treatment and rehabilitation of people with drug addiction. It is simply not enough to be waving the criminal law as a response to these problems and saying that if we just get tough on these crimes somehow that is magically going to make it go away. Quite simply, it will not; all experience bears that point out.

So, using criminal law, dealing with the social issues that are leading to drug addiction and ensuring that we are investing more, across all tiers of government, in rehabilitation to deal with those people who have been unfortunate enough to fall into a life of addiction must be part of a joined-up response between all tiers of government. And we must work with the community to ensure that we can address that issue. That, in a nutshell, is at the heart of the legislation before the House. We support it with reservations.

Mrs PRENTICE (Ryan) (16:09): I rise to speak on this bill, which includes legislation to close a serious and life-threatening loophole in our drug import prevention. Now, all psychoactive substances such as synthetic drugs will be prohibited unless importers can prove they have a legitimate use. This radical overhaul closes a loophole that currently allows people to deliberately avoid prosecution by slightly changing the chemical structure of a banned substance so it can be legally imported into our country.

It should come as little or no surprise to most people that the majority of new psychoactive substances are intended as legal replacements of controlled drugs. The year 2013 provided further evidence that entrepreneurs and, increasingly, organised crime groups are regularly expanding the types of substances they plan to offer as legal alternatives. Of particular concern, especially in Europe and now in Australia, are the new synthetic opioids which have been reported in the last few years.

Until about a decade ago, most new psychoactive substances that emerged were typically sold on the illicit drug market. They were sometimes sold as drugs in their own right or as a new type of ecstasy, but often they were sold surreptitiously as amphetamine and MDMA. Only a few were reported each year. Usually, these were stimulant-type or hallucinogenic drugs produced in Europe or the United States either in small amounts in amateur laboratories or on a commercial scale in clandestine laboratories organised by crime groups. New substances also occasionally emerged from the division of medicines. Importantly, this continues to be the base, with some of these substances simply acting as a temporary substitute for established controlled drugs that are in short supply, such as MDMA; while others, such as 4-methylamphetamine, appear to be produced accidently as a result of the use of uncontrolled precursors in the production of amphetamine.

Only a few years ago the issue of new psychoactive substances was regarded as having limited significance to drug policy. In the past few years, however, there have been significant changes in this market. Today, the question of how to respond to the challenges posed by the emergence of new drugs has become a major concern internationally. Synthetic drugs are often marketed as a safe and credible alternative to illicit drugs, yet tragically we have learned too many times through death or injury to people—especially young people—that this is not the case and they are, indeed, extremely dangerous.

There is nothing synthetic about the damage these drugs cause. They are not harmless. They are not safe. They have deadly consequences. While it is clear that many new substances will not gain a foothold as drugs in their own right, and spread to broader groups
of users, they are still capable of causing serious harm. The largely unknown pharmacology can pose serious risks to users. This is compounded by both the growing range of substances and the generally high availability. These problems are especially apparent when they are sold as 'legal highs', with no information provided to the user of the actual substance present. And as a result of an increase in the quantity, we are finding that they are making their way onto the black market, where they are sold to unsuspecting users as ecstasy, cocaine, ketamine, heroin, or LSD.

In addition, while much attention has been paid to the use of new substances by recreational users, these substances are also being used by problem drug users, including those who inject. This situation is presenting challenges for service providers, including low-threshold services such as needle and syringe programs that often have limited experience of these drugs and their effects. Little is also known about the treatment requirements for users of new psychoactive substances, which in part may reflect the fact that many have emerged only recently.

According to the Australian Institute of Health and Welfare, illicit use of drugs is a direct cause of death and disability as well as being a risk factor for a number of diseases which affect drug users and the wider community. The relative health impact of the illicit use of drugs varies depending on the specific type of drug used and the circumstances of its use. Overall, however, illicit use of drugs and illicit drug use disorders account for an increasing proportion of the global burden of disease, moving from the 18th to the 15th ranking risk factor between 1990 and 2010. Illicit use of drugs includes use of illegal drugs, non-medical use of pharmaceutical drugs and inappropriate use of other substances.

The number of people participating in any illicit use of drugs, including pharmaceutical misuse, in Australia is increasing. However, the proportion of people using most illegal drugs has remained relatively stable; in fact, use of some illegal drugs has even slightly decreased over the last few years. Instead, non-medical use of pharmaceuticals in recent times has increased overall since 2007 and was at its highest level of use since 1998 in 2013—only last year. Increasing numbers of Australians are engaging in the misuse of pharmaceutical drugs and in the use of these so called 'legal alternative' drugs, which take advantage of a loophole. Last year, the Director of the National Drug and Alcohol Research Centre, Professor Michael Farrell, said that one approach will not solve the problem. Criminal organisations are producing drugs to specifically get around the current legislative controls. Basically, you can ban some things, but something else will come in its place. Professor Farrell advised against a banning spree, believing that Australia needed a measured response to the problem. The coalition government is taking action to shut down the market and undermine those who seek to profit from this misery in Australia.

Schedule 1 of this bill creates new offences for importing psychoactive substances and those represented to be alternatives to illicit drugs and allows Australian Customs and Border Protection Service officers to exercise relevant powers, such as seizure, in relation to those substances. 'New psychoactive substances', or NPS, are substances of abuse that are not captured by the major international drug treaties. Along with other Western nations, Australia has been struggling to keep up with the number of new psychoactive substances entering the drug market and has found the current regulatory approach to be inadequate.
The amendments in schedule 1 will implement a measure first announced in June 2013 and represents the Commonwealth legislative component of a broader national response to new psychoactive substances developed by the Intergovernmental Committee on Drugs and endorsed by Commonwealth, state, and territory ministers in July 2014. The offences themselves are broad but are subject to a range of broad exemptions, including for food, tobacco and therapeutic goods, for which a defendant will have an evidentiary burden. Rather than law enforcement having to prove a synthetic drug is illegal, the burden will be placed on the person importing it to prove that it is legal and has a legitimate use. This means that governments and law enforcement are not trying to play catch-up every time a 'new' synthetic drug is produced.

The legislation in this bill will target psychoactive drugs marketed as 'legal' alternatives to illicit drugs like ecstasy, LSD or cannabis. Importantly, medicines and other chemicals that are imported for proper, legitimate use are already certified by relevant authorities, such as the Therapeutic Goods Administration. Existing arrangements will continue to apply to these substances. The ban will not replace existing illicit drug offences. These will continue to be the primary way in which we deal with illicit drugs and the people who try to import them.

This bill also expands the existing firearms trafficking offences, streamlines the processing of transfer applications for the international transfer of prisoners and extends the geographical jurisdiction to slavery offences. It also retrospectively validates the use of federal police powers in investigations of applied state offences at designated airports between March 2014 and May 2014, and other minor and technical amendments to the Criminal Code, the Customs Act, the Financial Transaction Reports Act 1998 and the Surveillance Devices Act 2004.

I understand that the Labor Party and the Greens have objected to schedule 2, which expands existing firearms trafficking offences. The coalition made a commitment at the last election to introduce mandatory minimum sentences of Commonwealth firearms offences, and now we are delivering. As the Prime Minister has stated again and again, the safety of this nation and the Australian people is a top priority for the coalition government. This amendment, along with the crackdown on the import of psychoactive substances, is just part of the government's broader vision to ensure our promise is kept. I call on Labor and the Greens not to stand in the way of this legislation, which will see harmful drugs taken off our streets and out of our homes—protecting Australians from the harmful and deadly effects of illicit drug use. The coalition is determined to prevent Australian lives from being ruined by illicit substances and the synthetic drugs which we have seen take so many lives and destroy so many families already. I commend this bill to the House.

Mrs McNAMARA (Dobell) (16:20): The Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 introduces measures to reduce the threat of harm from several illegal activities. As a mother, as a member of the Central Coast and as the member for Dobell, I take seriously our obligation to curb the devastating effects of illicit drug use. This bill strengthens the powers of law enforcement agencies to combat the importation of new psychoactive substances and the importation of substances represented to be serious drug alternatives.

It is crucial that as a nation we remain on the front foot in the fight against illicit drug importation and distribution. Of growing concern to our community is the emergence of new psychoactive substances and products deliberately designed to mimic the psychoactive effects...
of prohibited, serious drugs. Manufacturers of these products use chemical structures that currently avoid penalty under existing drug importation controls. Shamefully, the manufacturers of new psychoactive substances market these drugs as 'legal highs', falsely purporting them as a safer alternative to illicit drugs, and falsely promoting the illusion that they have been tested or assessed by government. In reality, these unknown drugs are potentially dangerous. There are documented cases where their use has been directly linked to serious illness and, tragically, death.

We are fighting a battle against what the Minister for Justice described during his second reading speech as:

… untested chemical compounds which masquerade as illicit drugs but are presented as being legal analogues of those drugs.

The ability of foreign manufacturers of these drugs to alter their chemical composition to avoid current importation laws is resulting in these drugs being freely available on our streets. Attempts by previous governments to progressively ban these substances have failed to curb the manufacturer's determination to import these drugs into the Australian market. It is time that we as a government stand up and put an end to this. The 2010 National Drug Strategy Household Survey revealed some startling statistics: of 12-17 year olds in Australia, 40 per cent had consumed alcohol, 17 per cent had taken inhalants, 15 per cent had taken cannabis and 10 per cent had taken either heroin, cocaine, amphetamines or hallucinogens.

The Australian Drug Foundation reports that new psychoactive substances are being developed around the world at an unprecedented rate. While there is little in Australian data showing usage of these drugs, statistics from the United Kingdom indicate that these drugs are increasingly causing harm with 52 deaths being directly attributed to new psychoactive substances in 2012—an increase from 25 in 2008 and six in 2003. Alarmingly, the same data from the United Kingdom found that in 2013 approximately 230,000 people aged 14 and older admitted to using synthetic cannabis.

New psychoactive substances pose a particular risk to children as they face a higher likelihood of overdose or severe adverse effects as a result of consumption. This in part is due to the inability of younger people to metabolise the ingredients of the drugs. Furthermore, a risk for young people arises from the role of the internet in the distribution and sale of these drugs. As we know online transactions can occur without the need to prove age or identity, therefore increasing the ease for young people to purchase these substances online.

This bill is an important tool in protecting our children, our youth and our future from illicit drug use. As a mother, I am extremely concerned about the impact these new drugs can have on our children. Our children should not be able to obtain easy access to drugs that are a thousand times stronger than marijuana; nor should such substances be marketed and distributed as 'legal highs'. These so-called legal highs can cause psychosis, heart attacks, liver damage and cardiovascular problems—to name a few. Unfortunately, these 'legal highs' have also resulted in the death of Australian teenagers. It is our responsibility as a responsible government ensure Australian youth are not exposed to or able to obtain access to these dangerous drugs. We must also as parliamentarians, parents and responsible members of our community highlight the existence and impact of these illegal substances. Children as young as 13 are using psychoactive substances, such as synthetic cannabis. Many parents have not
heard of these drugs and many of those who have incorrectly believe the manufacturer's false claims.

The National Cannabis Prevention and Information Centre of Australia demonstrate the unknown nature of these psychoactive substances by stating:

These products can contain synthetic cannabinoids that are often described as 'research chemicals.' Research chemicals are experimental chemical that are not approved or human consumption. The vast majority of these chemicals have only been recently synthesized and little, if any, data exists currently about their side effects, adverse reactions, long-term damage or dependence potential. Most importantly there are no officially published safety data and almost nothing is known about their effects on humans.

In Australia, as in other parts of the world, synthetic cannabis is sold through the internet, as well as specialised adult stores, tobacconists and some service stations. Synthetic cannabis is marketed under different brand names including: Kronic, Northern Lights, Mojo, Lightning Gold, Lightning Red and Godfather. It is also marketed under other general terms including aphrodisiac tea, herbal incense and potpourri.

While illegal drugs remain prevalent in modern society, we are seeing an increase in the supply of new psychoactive substances and we need to put a stop to this new market of dangerous drugs. This bill will ensure that the government is properly armed to tackle this problem by introducing offences into the criminal code to ban the importation of substances based on their psychoactive use where they are presented as alternatives to illicit drugs. In addition, the Australian Customs and Border Protection Service and the Australian Federal Police will be afforded powers to stop these drugs, seize them and destroy them before they can enter the market. It is important to note that these measures will not apply to imports that contain psychoactive elements and hold a legitimate purpose, including: foods, medicines, industrial, agricultural and veterinary chemicals. These items serve important functions in our society and economy. In his second reading speech the Minister for Justice rightly highlighted that:

These items should not, and will not be caught up in this regime.

The intent of this bill is to stop these purported 'legal highs' from being sold to Australian citizens.

Stopping the distribution and sale of new psychoactive substances is not solely the role of the Commonwealth. Legislation outlawing synthetic psychoactive substances was passed by the New South Wales government in September 2013. This followed the death of 17-year-old student Henry Kwan in Sydney. The then New South Wales Minister for Mental Health, Kevin Humphries, said:

Synthetic drugs are prevalent in the mining and transport industries, where workplace drug-testing had driven users to use synthetic substances that were very difficult to detect.

The New South Wales legislation introduced maximum penalties of 20 penalty units and/or two years' imprisonment for those manufacturing or supplying synthetic drugs. It is important that we continue to work closely with the states and territories to ensure that our objectives are aligned and measures to prevent import of these dangerous drugs are relevant and effective.

The objectives of this bill are to deter the importation of these dangerous chemicals and prevent their distribution to be used as alternatives to illicit drugs. There is no questioning that
these products are unsafe for consumption and that their presence in our community will lead to a long-term burden on communities, including social, health and economic problems.

The Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 also seeks to enhance our nation's security by strengthening the powers available to law-enforcement agencies in relation to firearm offences. Australians are entitled to feel safe, knowing our borders are free from the importation of illegal firearms which, in the hands of the wrong people, could have detrimental effects and lead to tragedy. This legislation establishes a comprehensive set of offences and penalties for the trafficking of firearms and firearm parts. The impact of the illicit firearms market is directly related to the number of illegal firearm entries across our borders and entering our community. There is no denying that these firearm are being accessed and used by groups and individuals to commit serious and violent crimes, tragically in some circumstances resulting in death.

Currently the potential exists for the evasion of firearm-trafficking offences and penalties through the disassembling of firearms and subsequent trading of individual components. This bill introduces penalties for the trafficking of prohibited firearms or firearm parts in and out of Australia, by establishing offences which carry a penalty of 10 years imprisonment and/or a fine of 2,500 penalty units.

This legislation ensures that those who traffic firearm parts are subject to the same punitive measures as those trading in illegal firearms. These amendments affirm that we have a comprehensive set of offences and penalties that reflect the seriousness of gun crime.

The Minister for Justice, in his contribution to this bill, provided the following statistic: ... in 2012 firearms were identified as being the type of weapon used in 25 per cent of homicides in Australia ...

We remember all too well the tragic events of 28 April 1996. It was on this day that Martin Bryant, armed with a semiautomatic rifle and a semiautomatic assault weapon, killed 35 people on a murderous rampage in Port Arthur, Tasmania. In the aftermath of this massacre, then Prime Minister John Howard set about reforming our nation's firearm laws. These reforms would ensure the prohibition on the ownership, possession, sale and importation of all automatic and semiautomatic weapons. Following the tightening of gun ownership laws, some 700,000 guns were removed and destroyed. This represented one-fifth of Australia's estimated stock of firearms. Since this time, gun related homicides in Australia have declined.

Former Prime Minister John Howard reflects upon this important reform, saying, 'Australia's 1996 gun law reforms were followed by more than a decade free of fatal mass shootings, and accelerated declines in firearms deaths, particularly suicides.' We must continue to build upon the strong result of this reform and prevent guns returning to our streets and communities. Australia is undoubtedly a safer nation as a result of strong gun control. Our laws must maintain pace with criminal activity and, where possible, foresee and adapt to future challenges and threats.

This bill also introduces several measures to strengthen Australia's International Transfer of Prisoners Scheme, slavery offences and Australia's anti-money-laundering regime. While time does not permit me to elaborate on these measures, I would like to commend this government for ensuring our law enforcement agencies have the appropriate tools to target crime wherever it occurs. As a nation and as a parliament we face uncertain times as global security challenges threaten to impact our great nation.
Prime Minister Tony Abbott has said to this parliament: 'Protecting our people is the first duty of government. This government will do whatever is possible to keep people safe.' This legislation builds upon our commitment to enhance national security and ensure that Australia's citizens are safe as they go about being free citizens of this wonderful country. This bill strengthens our nation's border protection to counteract two emerging threats to our citizens. The importation of illicit drugs and the importation of illegal guns both pose their own challenges that we are tasked to address.

I commend the Crimes Legislation Amendment (Psychoactive Substances and Other Measures Bill) 2014 to the parliament and reinstate my commitment as a member of this government to enhance security here in Australia.

Mr HOGAN (Page) (16:33): I commend the member for Dobell for her very eloquent support of this bill, as indeed I commend the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. I am sure we have all heard anecdotal stories from friends or people in our communities about psychoactive substances that are designed to mimic the psychoactive effect of illicit drugs but whose chemical structures are not captured by existing controls on those drugs. That is the essence of this bill. Through TV reports and many other things, we have seen that a substance that mimics these psychoactive drugs is not covered by existing legislation, even though the effect they have and the damage they can do is exactly like that of such drugs.

Mr Deputy Speaker Kelly, as you know and as we all know, synthetic psychoactive substances can pose as serious a risk to the community as traditional illicit drugs, as we have seen through the tragic deaths—in fact, there have been some just over the last week or so—of many young people across Australia. Not only do these substances have effects on people's life and death; they can also have effects on the mental health of many of the users of these substances.

New psychoactive substances have been a growing problem for governments throughout the world, including in Australia, in recent years. As we and many governments have progressively banned these substances as evidence about their use and harm has become available, manufacturers are simply altering the composition of the substances to avoid the law as it currently stands. To address this serious community safety issue, the government has introduced this legislation to ban the importation of all psychoactive substances unless they have a legitimate use. These legislative changes will put us ahead of criminals, and we obviously always need to be ahead of criminals.

The other aspect of this is the illicit trade of these substances, and I think we are all aware that the people who market and sell this stuff are very organised and make a lot of money from it, which poses problems within our communities. The ban will close the loophole that allows people to deliberately avoid prosecution by slightly changing the chemical structure of these banned substances.

The bill also introduces offences into the Criminal Code to ban the importation of substances based on their psychoactive effect where they are presented as alternatives to illicit drugs. As you can see, this is throwing the onus back onto them to prove that what they are doing is not illegal. This bill will also amend the Customs Act to allow officers of the Australian Customs and Border Protection Service and the Australian Federal Police to stop these drugs, to seize them and to destroy them before they can be put on the market. As I have
just said, it will be up to a person whose goods have been seized on suspicion of them being a new psychoactive substance to show why they should be returned to them—that is, by showing they have a legitimate use, such as for foods, medicines, or industrial, agricultural and veterinary chemicals. This approach will operate alongside existing drug offences. It will reduce the availability of potentially harmful new substances, giving authorities time to place appropriate controls around them. As I said, it throws the onus back onto these people to prove that what they are doing is not going to involve an illegal or illicit product.

The bill also introduces the election commitments in relation to firearms. In the lead-up to the election last year the coalition undertook to implement tougher penalties for gun related crime. As with all of our election promises, we are following through on that promise. In relation to this one we are creating a more comprehensive set of offences and penalties for the trafficking of firearms and firearm parts. In 2012—I am sure you are aware of this Deputy Speaker Kelly—firearms were identified as being the type of weapon used in 25 per cent of homicides in Australia. Currently, criminals can potentially evade firearms trafficking offences and penalties by breaking firearms down and trafficking them in their parts. This bill closes that gap by enabling the conviction of those trafficking parts. The bill also introduces mandatory minimum sentences of five years imprisonment for offenders charged with trafficking firearms or firearm parts. As an adjunct to that, the minimum mandatory sentence will not apply to minors.

The introduction of these measures aligns with a key government priority of detecting and disrupting organised crime groups and criminal gangs within Australia. These groups have a culture of violence. They are involved in the illicit drugs trade, firearms trafficking, money laundering, extortion et cetera. Obviously, these people are not necessarily ones you would invite around for Sunday lunch. They are very well organised. They are involved in illegal activities and from these activities they are making a lot of money and increasing their influence within the wider part of our society, which we do not want them to do.

To target this threat the government has already delivered on a number of key election commitments. The national anti-gang strike teams have been established in a number of states. This means specialists from a range of national agencies have been embedded with state police. The Australian Gangs Intelligence Coordination Centre, based in the Australian Crime Commission, has been established. It collates information from the national anti-gang strike teams to target cross-border operations. Also, $88 million has been committed to Customs and Border Protection to increase cargo screenings, to stop drugs and firearms before they hit our streets. New legislation to strengthen Australia’s unexplained wealth regime has been introduced. We passed this through the House of Representatives recently. It will strike at the heart of organised crime by taking away the profits and assets of criminal syndicates. In fact, as you would be aware, a lot of the money we are getting from that is being put into crime fighting—things like CCTV cameras, of which I know there are some great ones rolling out into my community.

With all bills there is always a question of balance. Obviously there have been some points made in relation to human rights with all government legislation. Human rights is something we need very much to protect within our community. I believe the amendments are compatible with human rights, because they advance the right for individuals to know the nature and cause of any charge against them. To the extent that it may limit the protection
against unlawful, arbitrary interference with privacy, I believe those limitations are reasonable, necessary and proportionate. I commend the bill to the House.

Mr PASIN (Barker) (16:41): I rise to speak today on the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. The bill is an omnibus bill containing five schedules that address separate issues. Schedule 1 will create new offences for importing psychoactive substances, and those represented to be alternatives to illicit drugs. It will allow Australian Customs and Border Protection Service officers to exercise relevant powers, such as seizure, in relation to those substances.

Importantly, the new psychoactive substances are substances of abuse that are not captured by the major international drug treaties. Along with other Western nations, Australia has been struggling to keep up with the number of new psychoactive substances entering the market, and has found its current regulatory approach to be inadequate. The amendments in schedule 1 represent the Commonwealth's legislative components of a broader national response to new psychoactive substances that was developed by the Intergovernmental Committee on Drugs and endorsed by the Commonwealth and state and territory ministers, in July 2014. The offences themselves are broad, but they are subject to a range of broad exemptions, including for food, tobacco and therapeutic goods, for which a defendant will bear an evidential burden.

Schedule 2 will expand existing firearms trafficking offences to also apply to firearm parts, creating new offences for international firearms trafficking, introduce mandatory minimum penalties of five years imprisonment for firearms offences, and allow Customs officers to exercise the relevant powers in relation to the new offences. During the 2013 federal election campaign, the coalition committed to the introduction of mandatory minimum sentences for Commonwealth firearms offences.

Schedule 3 will make a range of amendments to clarify the application of the International Transfer of Prisoners Scheme, or ITP scheme, and streamline the processing of applications for transfer. The main amendments will make it easier for prisoners serving suspended sentences to be transferred under the ITP scheme. It will introduce the concept of 'close family member', which will be relevant in demonstrating ties to a community and determining who may consent to a transfer on behalf of a prisoner who is not an adult or is otherwise unable to consent to his or her own transfer. It will allow the Attorney-General to close unviable applications and to exercise discretion in processing re-applications received within 12 months of a negative decision or the withdrawal of a previous application.

Schedule 4 will apply the broadest level of extended geographical jurisdictions to slavery offences so that they will apply whether or not the relevant conduct, or a result of the relevant conduct, occurs in Australia.

Schedule 5 will retrospectively validate the use of federal police powers in investigations of applied state offences at designated airports between March 2014 and May 2014, when the replacement regulations were made.

Schedule 6 will make several minor and technical amendments to the Criminal Code, the Customs Act, the Financial Transaction Reports Act and the Surveillance Devices Act.

There would not be a person in Australia who does not have some direct knowledge of the destruction that is caused throughout the community by the growth in the use of illicit substances. I am sure that at some stage of our lives, each of us has had either a friend or a...
family member, or someone we have worked with or been confronted with, or has otherwise known someone, who has fallen into the bleak world of illicit drug use. As a former criminal lawyer I can say that, inevitably, almost every terrible outcome was connected in some way to drug use; the lack of judgement it causes, or the criminal enterprises it funds. It is an issue which we must address on several levels. It is not only a law and order issue, it is a mental and physical health issue and it is a community services issue; it is a housing issue, a sporting issue, a regional development issue, and an employment issue; it is a national security issue and it is a budgetary issue. Regardless of this, sadly, no segment of our society is unsullied. From the wealthiest financial trader to the poorest person sleeping rough on the street, each is as susceptible as the other to falling for the wicked of illicit substances, and the consequences are equally devastating for both.

Not so long ago, drug use and the drug culture was widely perceived to be made up of so-called soft drugs like marijuana. While some of the claims made by various people at various times about the dangers of drugs have lacked finesse, and have perhaps been overstated in some specific instances, it is true to say that any substance which affects your judgement and perception can be dangerous to you and to others. During the 1970s and 1980s, the rise of what some people probably consider to be the harder drugs—such as cocaine and heroin—came to prominence, especially with the flood of product being made available to the West from developing countries who had discovered a vastly more profitable enterprise than traditional agricultural farming. The government's response to these issues was to toughen the law-enforcement response, and to slowly but surely dismantle these criminal enterprises through a series of related measures including policing and sentencing, disruption of supply, and health interventions to reduce demand; and to outlaw a number of substances that had been more freely available. Comparatively speaking, even though there were—and indeed there continue to be—significant challenges in dealing with these types of drugs, the number of new drug types over that period was fairly steady, and governments were able to make laws within a reasonable time to help address the emergence of new trends.

With the birth of the rave culture and designer drugs, we saw the production—and the capacity for someone with little more than high school or first year chemistry knowledge to produce—drugs with similar effects and toxicity but sufficiently different in chemical structure to avoid being captured by the legislation, and thus the drugs could occupy a legal grey area where they can be marketed to people as so-called 'legal highs'. But in practice, there is very little difference in the health risks, and very often there is an elevated risk; because of the interactions the new compounds have with different people, with prescription medications, and with health conditions; and simply because of the quality of the manufacturing process. They are often produced by the same syndicates and involve the same social risks and interactions as more long-standing and well-known illicit substances. Perversely, these new drugs do not have the benefit of having been around long enough for anyone to have any detailed knowledge or understanding of the risks of these new compounds. They are marketed in this fashion because the aim is to attract high-value market share—the types of people who can afford to go out on the town of a weekend, but who would otherwise be wary of interacting with criminal types who are dealing drugs. It is overall a much more comfortable and therefore enticing way to sell essentially the same substances, but it is deliberately designed to make the experience less dark, less scary and less off-putting. The ease with which these new substances can be produced is such that a new
version could be available almost every weekend, if people were so inclined. It is obviously extremely challenging to a government's ability to keep pace with this, given how many different versions of a particular drug can be produced just in the time it will take for this bill to pass through this place.

As with all profitable and therefore valuable things, the trade in drugs needs to be protected—or at least so say the proponents; that is, protected from competitors, protected from government, protected from employees and protected from the unwilling. This is done with brutal, physical violence and intimidation. This need to ensure that they are able to protect their supply and their markets from a variety of threats, combined with what must be said to be a ruthless desire and a streamlined decision-making process, has meant that where gaps have emerged in the capabilities of criminal organisations, they have acted—often more effectively than law enforcement agencies and governments are able to—to add that capability, and with the most effective means available. That has meant the proliferation of increasingly powerful and lethal weapons, including military-style automatic weapons, in suburban streets.

Already the Abbott government is attacking this problem on a number of fronts; through increasing the powers of federal agencies to follow the money, to ensure that the ultimate perpetrators of these enterprises are not able to be rewarded while the low-level, street criminals are left to face the jail time. This legislation will attack other struts of these groups by making it harder for substances which mimic the effects of illicit substances to be imported into Australia without sanction. The bill also cracks down on the international illicit arms business that underpins the drug trade, and is the dark side of the drugs business, which too many in our community fail to realise is a direct and real threat to our community. That is why, in addition to creating a number of new offences for acts relating to the trade in firearms—including the sale of parts of weapons—and for acts of international trade in weapons, the Abbott government will give greater powers to Customs officers to police this trade, and will introduce mandatory minimum sentences for breaches of the act, something which I understand—to their eternal shame—the Labor Party is not supporting.

Whether it be the control of our borders, our national security and defence matters, policing, or the question of tougher sentences for dangerous criminals, Labor fails to meet community expectations. Only the Abbott coalition government will take the necessary action to punish those who deal in misery and vulnerability. Only the Abbott coalition government will provide the health and treatment resources for the victims of these criminal kingpins and for the predatory behaviours of these criminals, and the resources to make sure that the relevant agencies have the tools they need to do the job that is asked of them.

I commend the bill to the House.

Mr SUKKAR (Deakin) (16:52): Improving the safety of my community is of paramount concern to me and I welcome any steps taken to achieve this. That is why I am taking the opportunity to speak today on the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. The bill before us today is yet another example of how the coalition government is working hard to tighten our laws and stay ahead of the criminal gangs. The measures introduced in this bill complement a suite of new measures that the coalition has already implemented as part of our key priority of detecting and disrupting organised crime groups and criminal gangs within Australia. These gangs profit from other
people's misery, such as the misery that far too many communities are currently experiencing as a result of the scourge of ice—a problem which lamentably affects my own community of Deakin and which I have spoken about in this place before.

Today we are talking about a different drug problem, a problem that does not have as high a profile as other drug issues but which still causes very real harm to communities throughout the country including in my electorate of Deakin. The bill addresses, amongst other things, the growing problem of new psychoactive substances. New psychoactive substances, or synthetic drugs as they are commonly referred to, mimic the psychoactive effect of illicit drugs such as cannabis, cocaine, ecstasy and LSD. The manufacturers of these drugs use new chemicals to replace those that are banned so that they can avoid the law—but these drugs are clearly far from safe. As the Australian Drug Foundation has made clear, there are huge misconceptions in our community about the safety of these drugs. In a policy paper published earlier this year—'New psychoactive drugs: No easy answer'—authors Geoff Munro, the National Policy Manager of the Australian Drug Foundation, and Dr Chris Wilkins, a senior researcher at New Zealand's Massey University, explained:

Persons who use NPS, and those who may be attracted to them, need to understand the risks as NPS are often more powerful than the drug types they are purported to mimic and little is known of their effects. It is terrifying to think that some people—often they are young people—are purchasing and taking these drugs in the misguided belief that they are getting a safe high. It may have been legal to purchase the synthetic drug but it is clear that these are far from safe to consume. The Australian Drug Foundation warns that the packaging of these drugs is often misleading and fails to list all of the ingredients or the correct amounts, making it very easy to overdose. Many of the drugs contain a range of fillers and numbing agents that can lead to health problems particularly if injected, and some contain caffeine in such high quantities that additional caffeine, such as having an ordinary coffee, could lead to an overdose. It is also very difficult for doctors to treat someone who has overdosed on a synthetic drug because of the large number of different drugs on the market and inevitably the lack of information about what particular drugs contain and the lack of research about their effects. Indeed, these synthetic drugs can pose as serious a risk to the community as traditional drugs, as we have seen through the tragic deaths of many young people throughout Australia. Last November in my home state of Victoria three people ended up in intensive care after smoking a synthetic drug mimicking cannabis. In the 14 months to January this year, five people died after taking synthetic drugs, including three school children.

We do not really know how prevalent the use of synthetic drugs are in Australia, which is another problem. The policy paper I referred to earlier pointed to European estimates that around five per cent of people aged between 15 and 24 have tried synthetic drugs. The report said:

An Australian representative of licit retailers who sold NPS estimated the value of the "legal market" at $600 million in 2012 (Patton, 2013).

That legal market does not account for the untraceable online sales, so, while we do not know the exact scale of the problem, we do know that it is significant and that it is growing both in Australia and overseas. Governments around Australia at a state level are doing their best to tackle the problem by progressively banning substances as evidence about their use becomes
available. But it is far too easy for the manufacturers to evade these bans by simply altering the chemical composition of the substance and continuing to sell it, clearly to the great detriment of our community. Some states—Queensland, New South Wales and South Australia—have introduced blanket bans on possessing or selling any substances that have a psychoactive effect other than alcohol, tobacco and food.

In the bill before us today, the Commonwealth is playing its part to help the states and territories address this problem and close any loopholes in the existing legislation ultimately so that our community is better protected. The Commonwealth is banning the importation of all psychoactive substances, save for those with a legitimate use. There will be new offences introduced into the Criminal Code that also ban the importation of psychoactive substances based on their psychoactive effect and where they are presented as an alternative to illicit drugs—meaning that we do not have the issue of composition of drugs allowing these criminal gangs to skirt existing rules. No longer will people be able to simply make a slight change to the chemical structure and then continue to sell it. It is gratifying to see this loophole closed and I congratulate the Minister for Justice.

The bill also arms the Australian Customs and Border Protection Service and the Australian Federal Police with the powers they will need to stop these drugs from entering the market and instead seize and destroy them. At the same time, people who import psychoactive substances for a legitimate use, such as foods, medicines, industry, agriculture or veterinary chemicals, will of course be able to continue to do so. These people will not be caught up in the new regime introduced in this bill, notwithstanding its wide-ranging purview. The bill is targeted at bringing an end to the abhorrent trade in NPS that is harming our community and it does so by turning the tables completely on those who profit from the trade.

In his second reading speech on this legislation the Minister for Justice said:

The large number of potential new psychoactive substances and their rate of appearance means that we cannot stay ahead of the market. This bill changes the dynamic. From now on, the government will be in front.

I commend the minister for recognising the serious danger posed to our community by synthetic drugs and making it a priority for this government to address. I know that people in my electorate of Deakin welcome the government's efforts to make their communities safer. Parents of teenagers, in particular, will find these measures reassuring as they operate to better protect vulnerable young people in our community from the harmful effects of drugs. Together with the existing initiatives of the state and territory governments, this bill will make a real difference to addressing the growing problem posed by NPS. I therefore wholeheartedly support the measures.

The bill also deals with a range of other criminal issues which I will touch on briefly in the time remaining. Tough new penalties for gun related crime are introduced by this bill, in line with our commitment in the lead-up to last year's election. Thankfully, Australia already benefits from restrictive firearm laws, which were overhauled back in the 1990s under the Howard government. However, we must continue to be vigilant when it comes to gun laws, particularly in light of the fact that some 25 per cent of homicides involve firearms. It is therefore vital that we do everything in our power to stop these weapons from being acquired and utilised by criminals. That is why we are delivering on our promise with a more comprehensive set of offences and penalties for the trafficking of firearms and firearm parts.
We know that, currently, criminals could potentially evade firearms trafficking offences by breaking up firearms into parts. This is an absolutely perverse outcome. This legislation closes that loophole by introducing new offences for trafficking firearms parts. It also strengthens the penalties for firearms offences, introducing mandatory minimum sentences of five years for offenders charged with trafficking firearms or firearm parts. I welcome these tougher new penalties which reflect the seriousness of these crimes.

It is worth noting that these mandatory minimum sentences will not apply to minors and there will not be a specified non-parole period, giving the courts the discretion to set custodial periods in line with the particular circumstances of each case. I think it is fair to say that Australians take a very dim view of people who commit firearms offences. I believe this bill brings gun laws into step with community expectations—something Labor failed to do for many years.

The bill also makes some important amendments to our International Transfer of Prisoners Scheme, which came into operation some 20 years ago. That scheme is effective but it will benefit from measures to streamline existing processes. The bill also amends the Criminal Code to make it clear that slavery offences have universal jurisdiction and to ensure that Australian law enforcement agencies have the tools they need to deal with this abhorrent crime. And the bill introduces a range of other minor but important measures to boost our criminal laws in Australia.

The coalition has an unwavering commitment to reduce crime in this country and do everything in our power to protect our communities from harm. I thank Minister Keenan for the outstanding work he has done in supporting communities like mine in Deakin to not only feel safer but actually be safer. The bill before us today is another step in that direction. I therefore support the bill, which I believe is a very important step in delivering on our election commitment.

Ms GAMBARO (Brisbane) (17:04): It is a great pleasure to finally get to speak to this bill. I rise to speak in support of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. This bill addresses the important issue of how to stem the increasing availability and negative effects of psychoactive substances and also substances which mimic the effect of these illicit drugs but are not categorised as illicit drugs under current law. This is an area of real concern to me at a number of levels. I represent an electorate of more than 145,000 people, around 16 per cent of whom are aged between 15 and 24. This is the most highly represented age group for drug use. Parents, including me, are united in our care and in our sense of responsibility for not only our young ones but a whole generation of youth.

I am also aware of my responsibility, as part of the federal government, to support a legislative framework that will reduce the likelihood of our young people falling victim to pedlars of dangerous substances. The legislation before us today is in response to disturbing evidence of a more modern drug culture that involves addictive and dangerous substances similar in potentially negative impacts to those already listed as illegal; but in this case their pedlars are free to operate in what has been an ominous environment of legal loopholes. The nature of these new psychoactive drugs, which are also referred to as synthetic drugs, is that they can be advertised as legal. This leads to the false perception that they are safe. They are
not safe. They are unregulated, they are untested and, in the case of an overdose, they are
difficult to identify or treat effectively.

We have sadly seen a number of deaths in Australia resulting from cardiac complications,
seizures, brain injury or misadventure following the unregulated use of psychoactive drugs.
Some of these very same substances can be sold in a pharmacy or as a health tonic. But there
is also an increase in online sales and imports, which has been of great concern. Europol is
currently monitoring 280 new psychoactive substances, 73 of which were added to the list in
2012 alone. This indicates that there is something of an epidemic. Some of the best available
data that we have on the dangerous impacts of these drugs comes from the UK, where six
deaths from psychoactive drugs were recorded in 2003. That figure jumped to 25 in 2008 and
then to 52 in 2013. It does not take a mathematician to see that there is a dangerously
increasing trend at play here.

I find these statistics disturbing, but I am encouraged that we now have open to us a
window of opportunity to stop the spread of psychoactive drugs and to stop the usage that is
part of a youth culture and a threat to our social fabric. State governments in Australia have
tried to take action to ban some psychoactive substances, because evidence of their use and
harm has become available, but with the way our current legislation is designed
manufacturers can simply alter the composition of account to avoid legal ramifications. In this
case, manufacturers have taken advantage of a legal loophole and not made the drug safer.

This is an emerging and disturbing area of activity that clearly requires government
intervention. The Abbott government recognises its responsibilities to close any and all
loopholes in the interest of community safety, which in this case relates to the banning of the
importation of all psychoactive substances, regardless of their composition, unless they have a
legitimate use.

The detail of this legislative amendment is designed to prosecute criminals who would
make a quick buck at the expense of others and with no regard for their wellbeing. The
offence of the importation of psychoactive drugs will therefore be enacted under the Criminal
Code. Proposed amendments to the Customs Act will also allow the Australian Federal Police
and Customs officers to intercept importation of these drugs, seize them and destroy them
before they even reach the market and before they can place users at risk. I would like to
emphasise that anyone found to be a legitimate user of these substances will be able to put
forward their case under the new amendments. Legitimate use could include medicines and
industrial, agriculture and veterinary chemicals. They will be permitted. I fully commend
these legislative amendments, which will stop the so-called legal use of psychoactive
substances, for the valuable contribution they will make to community safety outcomes and to
the wellbeing of our youth.

There is a second part to this bill that responds to an election commitment made by the
coalition, when we were in opposition, to implement tougher penalties for gun related crimes.
Again, the proposed amendments are about closing legal loopholes and staying one step ahead
of the small but dangerous criminal element that would seek to disrupt the wellbeing of
Australians. It is apt that we consider these amendments in the same bill, given that both will
serve to strengthen community safety in Australia.

In 2012, firearms were identified as being the weapon of choice in 25 per cent of homicides
in Australia. Moreover, criminals are able to evade firearms trafficking offences and penalties
by breaking down firearms and trading parts. There are several loopholes, and I have no doubt that we are all sick and tired of seeing the firearm related offences that happen all too frequently all over our communities being reported on the news. Regrettably these news reports seem to be happening more and more each day. Under these new measures, there will be a mandatory minimum sentence of five years imprisonment for offenders charged with trafficking firearms or firearm parts, which provides a clear deterrent. Providing there is clear intent, it will no longer be possible to simply break a firearm down into its components to sidestep the law. The measures being proposed in this bill will disrupt organised criminal groups and gangs with a culture of violence in Australia, as well as dealing with lone-wolf attacks.

Coordination between federal and state levels of government is essential if we are to strengthen the security fabric of our nation. I commend the work that has already been done in this area and emphasise the necessity of these legislative amendments to underpin the work of our law enforcement agencies at all levels of government. Criminals, gangs and firearm traffickers do operate across our borders. They do not respect jurisdictional boundaries. As such, this is an issue that crosses state borders and jurisdictions and which should quite properly concern all of us here today. National antigang strike teams have been established across Australia, including in my home state of Queensland, to work with state police to crack down on firearms trafficking as well as money laundering and extortion. An Australian Gangs Intelligence Coordination Centre, based in the Australian Crime Commission, is also collecting data and mobilising strike teams to target cross-border operations. I further commend the fact that $88 million has been committed to customs and border protection to increase cargo screening to stop drugs and firearms before they reach our streets, when it is already too late.

I will briefly address the more administrative elements of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill before concluding my speech in support of the amendments. The bill will amend the International Transfer of Prisoners Act 1997, or ITP Act, which governs Australia's international transfer of prisoners scheme to promote the successful rehabilitation and reintegration into society of a prisoner, while preserving the sentence imposed by the sentencing country as far as possible. The proposed changes are designed to clarify and streamline the ITP process and reduce unnecessary red tape associated with applications. Key proposals include removing the requirement for the Attorney-General to make a final decision where a transfer application is clearly unviable and does not meet all requirements; imposing a one-year time limit on re-applications; clarifying application procedures and prisoner eligibility criteria; and clarifying the conditions under which the Attorney-General's consent is required—for example, this would be a discretionary rather than mandatory requirement in the event that variations were made to the terms of a transfer.

Of utmost consideration with regard to these changes is Australia's reputation as an upstanding international citizen and bastion of human rights—national characteristics that are non-negotiable. In fact, through clarification, it is possible for prisoners and their families to have the security of knowing where they stand legally, while keeping our legal system free from excessive bureaucracy that is socially and economically costly.
Finally, while slavery is not an issue that many of us would be personally familiar with, it does occur elsewhere in the world. It is an insidious crime and one which we must guard against occurring on Australian soil in any form. This bill provides for clarification that slavery offences have universal jurisdiction, eliminating any uncertainty for law enforcement agencies responsible for investigating and prosecuting slavery offences in Australia or by Australians.

Deputy Speaker, the measures brought before you today and presented in the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill are about creating the kind of Australia you and I and the majority of law-abiding Australians want to live in. We want a country that is secure in all facets of life. We want our young people to grow up secure in the understanding and knowledge that there is a difference between what you can buy freely and an illicit and dangerous drug—they are not one and the same. We want to be able to walk our streets, secure in the knowledge that, while firearms may exist, we do not live in a community where it is easy or even remotely acceptable to carry weapons that can at a single movement of the trigger cause serious bodily harm or death. We are fortunate not to have a gun culture in this country. It is something that sets us apart from other parts of the world and something that we must never take for granted or lose through any complacency. We want to live in a community where bikie gangs and criminal groups know they will experience the full force of the law should they disrespect it. We want the next generation of Australians to experience and know that the government will go to great lengths to ensure their safety, wellbeing and quality of life.

In conclusion, I am pleased to say that the vast majority of Australian citizens are law abiding. Nevertheless, if the government is negligent in its constitutional responsibility to protect its citizens, those who are not law abiding are able to do us great harm. The Abbott government has been clear on where it stands on security and community safety issues. Needless to say, this will not be the scenario in play on our watch. I fully support this bill in the confidence that it will close legal loopholes and takes us another leap forward in making Australia one of the safest countries in the world, with the quality of life we should all expect. I commend the bill to the House.

Ms MARINO (Forrest—Government Whip) (17:17): This bill is important to Australian families and individuals. The bill will ban the importation of new psychoactive substances and deliver on the key government election commitment to implement tougher penalties for gun related crime. The bill will also improve Australia's criminal justice arrangements by: streamlining Australia's International Transfer of Prisoners Scheme; clarifying that slavery offences have universal jurisdiction to ensure agencies are able to investigate and prosecute these offences wherever they occur; and enhancing Australia's anti-money-laundering and counter-terrorism financing regime. It will also make minor edits to the Commonwealth's drug regime and arrangements for policing in certain airports. The bill amends the Commonwealth Places (Application of Laws) Act 1970, Criminal Code Act 1995, Customs Act 1901, Financial Transaction Reports Act 1988, International Transfer of Prisoners Act 1997 and the Surveillance Devices Act 2004. There are quite a number of acts covered here.

We know there has been a war waged throughout the world between drug suppliers and those whose job it is to protect our community from the scourge of illicit drugs. Until the
introduction of this legislation, there was a loophole that basically helped the drug pushers ply their vile trade. Governments both state and federal tried to identify and ban known illegal psychoactive drugs by placing them on a list. The criminal element subverted the intent of the law by developing minutely different substances that had the same effect but a new name. New psychoactive substances are designed to mimic the psychoactive effects of illicit drugs; however, their chemical structures are not captured by existing controls on those drugs because they are not specifically named. These substances are often presented as 'legal highs'. They are frequently presented as safer than other illicit drugs and claims are made that they have been tested or assessed by the government. In reality, they are potentially very dangerous and have been linked to serious injuries and deaths.

Such new psychoactive substances have been identified by the Western Australian government as a real and growing problem. On 29 June this year, the WA mental health minister, Helen Morton, listed an additional 33 substances in schedule 9 of the Western Australian Poisons Act. All 33 were psychoactive substances, including synthetic cannabinoids. Currently all synthetic cannabinoids are illegal in Western Australia but are still generally put on the list.

Governments progressively ban these substances as evidence about their use and harm becomes available, yet manufacturers can still alter the composition of these substances to avoid the law. The government is closing this loophole with this legislation. It is very important. That is the intent of the bill and that is what we are doing. It will introduce offences into the Criminal Code to ban the importation of all substances based on their psychoactive effect and not just on their name.

The bill will also amend the Customs Act to allow officers of the Australian Customs and Border Protection Service and the Australian Federal Police to stop these drugs, seize them and destroy them before they can be put on the market. It will be up to a person whose goods have been seized on suspicion of being a new psychoactive substance to show exactly what they are, what purpose they serve and why they should be returned to them. If an importer cannot do this—for example, by showing that the goods have a legitimate use—the goods will be destroyed. These measures will not apply to imports for a legitimate purpose. Foods, medicines and industrial, agricultural and veterinary chemicals may all be psychoactive, but they serve important functions in our society and economy. In other words, the onus of proof will be on the importer.

The measures in this bill will introduce offences, as I said, to ban the importation of substances based on their psychoactive effect and where they are presented as alternatives to illicit drugs. The Australian Crime Commission’s Illicit drug data report 2012-13 states that the number of cannabis detections at the Australian border increased by 36.4 per cent to 3,629 in 2012-13—the highest on record. That is the reason why this bill is important. The report said cannabis seeds form 89.2 per cent of detections. Of the cannabis that came by parcel post, the greatest weight of seeds came from Iran to Sydney, the greatest weight of cannabis leaf came from Canada to Sydney and the greatest weight of buds and leaves came from the Netherlands to Melbourne. Parcel post—this is an interesting issue—accounts for 98.8 per cent of border detections. Forty-three embarkation points were identified—43 countries, which was more than in previous years. In order, the most came from the UK, with 59.5 per
cent, followed by Iran, Canada, South Africa and the Netherlands. The greatest weights came from Iran and Canada.

Clearly the Australian market is driving this demand. The report also noted that the 2010 National Drug Strategy Household Survey found that 35.4 per cent of Australians aged 14 years or older reported using cannabis at least once in their lives. Nationally there were 62,120 cannabis arrests in 2012-13, which was an increase on the previous reporting period. There are great challenges for the Australian Federal Police and our customs services, particularly with the drugs that are sourced online. Members in this House know the work that I do with online safety and online issues. We look at the websites. We look at what is being offered online. Not only are people taking risks with illegal substances; they usually have no idea at all what they are buying from an online source—or what is actually in those substances that they are buying. These come from illicit drug websites. They have absolutely no idea at all what they are buying.

We have seen what happened with the Silk Road website and what was in the drugs from that side that some of the young people had taken. We saw the US FBI deal with the Silk Road website, but we also saw a range of others emerge quite quickly after that site was taken down. We have seen the sorts of impacts of these substances, the hallucinations—young people who think they can fly—and we have seen people risking their health because they have no idea at all what is in those substances that they are buying online. They have no idea what they are taking and no idea what they are ingesting. They are buying it online thinking there is less chance of being detected, perhaps, or simply because it is cheap. I do not know what is driving them, but they are taking a huge risk with their health.

Organised criminals find that the internet provides an ideal platform for their activities. The online buyer has this false impression that somehow they are anonymous because they are online. They think that perhaps they can safely buy a range of illegal substances, from performance-enhancing drugs right through to cannabis and narcotics. This perception of safety—that it is okay and they will be safe if they take or ingest these substances—can come at a very high physical and mental health cost, which is something that people who buy online have no idea that they could well suffer. It is unregulated, the buyers have no idea what is in the products they are buying and those products are not listed. Even those that claim to be health products and healthy for you—besides those that are illegal—are certainly not listed by the Therapeutic Goods Administration.

Stopping the sale of new psychoactive substances needs a cooperative effort between the Commonwealth, the states and the territories to ensure that health, law enforcement and education initiatives—the things I have just spoken about—are all aligned. This is a critical process. The bill will complement the national framework for new psychoactive substances that the Law, Crime and Community Safety Council announced on 4 July 2014. It also introduces new, international firearms-trafficking offences, amends existing cross-border firearms offences and introduces mandatory minimum sentences of five years' imprisonment for these offences.

The entry of illegal firearms into the Australian community can certainly have a significant impact on the size of the illicit market. This growing pool of firearms can be and is accessed by groups and individuals to commit serious and violent crimes that can result in death and absolute misery. In the current system, criminals could potentially evade firearms-trafficking
offences and penalties by breaking firearms down and trafficking their constituent parts. This bill closes that gap as well. It enables the conviction of those who engage in trafficking of firearm parts. It also creates a new offence in the Criminal Code for international trafficking of firearms and firearm parts, complementing those international trafficking offences already in existence in the Customs Act. It extends the current cross-border firearms-trafficking offences in the Criminal Code, which are limited to trafficking within Australia, to capture the trafficking of firearms and firearm parts into and out of Australia. Finally, the bill will introduce mandatory minimum sentences of five years’ imprisonment for offenders charged with these offences under the code. However, this mandatory minimum sentence will not carry with it a specified nonparole period, nor will it apply to minors.

The bill also makes changes to the international transfer of prisoners. The International Transfer of Prisoners Act, which currently governs our international transfer scheme, came into operation nearly 20 years ago. It is time to make the existing processes governing this scheme more efficient, timely and simplified. We will streamline this process. There are a number of measures to improve arrangements governing unviable transfer applications. These include removing the requirement for decisions to be made in unviable cases; implementing time frames for reapplications so that the Attorney-General is not required to consider a reapplication within one year from the date of refusal; and simplifying the process of notifying and seeking the consent of the transferring country.

Australia's International Transfer of Prisoners Scheme promotes the successful rehabilitation and reintegration of a prisoner into society whilst preserving the sentence imposed by the sentencing country in the prisoner's home country. The scheme is important for community safety, as it ensures that prisoners can be reintegrated into that country's community and appropriately monitored, supervised and supported during the enforcement of the sentence.

The bill will also enhance Australia's anti-money-laundering regime through amendments to the Financial Transaction Reports Act that will simplify the obligations of cash dealers under Australia's anti-money-laundering regime, removing duplication and red tape.

In conclusion, the bill contains a range of measures to improve Commonwealth criminal-justice arrangements, including the very important one of banning the importation of all substances that have a psychoactive effect that are not otherwise regulated or banned. Others measures ensure that the Australian Customs and Border Protection officers have appropriate powers to stop these substances at the border, which is of critical importance; correct an error in the definition of a minimum marketable quantity, in respect of a drug analogue, of one or more listed border controlled drugs; introduce new international firearms-trafficking offences, amend existing cross-border firearms offences and introduce mandatory minimum sentences of five years imprisonment; streamline the international transfer of prisoners; amend slavery offences; and validate access by the Australian Federal Police to investigatory powers in designated state airports.

It is all part of how this government is committed to the security and safety of Australian citizens. This bill is very important to Australian families and individuals. I would encourage all families to be aware of what their young people are doing and buying online. The same conditions apply for adults. Be very careful what you are buying. Whether it is supposedly a legal product or something that is supposedly to aid your health, I would encourage you to

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**Monday, 24 November 2014**

**HOUSE OF REPRESENTATIVES**

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**CHAMBER**
look at the therapeutic goods list and purchase product from that list only. For those who are seeking to buy illicit drugs online, this bill goes a long way to helping deal with that and giving the powers our law enforcement officers need to deal with those issues.

**Mr SIMPKINS** (Cowan) (17:31): It is a pleasure to speak on the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. I will begin by thanking you, Deputy Speaker Whiteley, for coming in for this speech. I do appreciate it.

**The DEPUTY SPEAKER (Mr Whiteley):** It is my pleasure.

**Mr SIMPKINS:** I worry a lot about these sorts of matters, illicit drugs and the abuse of legal drugs. It is a major problem now in society. As we know, all around the country there are problems with drugs in our electorates, towns and suburbs. Anywhere, really. It is a great tragedy.

My views are formed by a background of a couple of years in the Federal Police. The member for Forrest mentioned Parcel Post. When I was in the Federal Police 'parcels post' was the reference for part of the drugs squad. It was a common occurrence that Customs made a call to the Federal Police and we ended up going out and looking at what they had found. This is on the public record. They had taken possession of the findings as exhibits. Then there would be the follow-up investigation.

I saw enough to maintain my lifelong view that these sorts of drugs are completely wrong. I have never smoked cannabis or had anything to do with such drugs and never well. I know this is not an opinion held by everybody in this place, but I really do believe that we must continue the fight—the war—against drugs for as long as it takes. If that is generations, then that is generations. If we never win, then we never win. But we should always fight and fight with a determination to win.

Acquiescing and pursuing nothing but a harm-reduction policy is a mistake that will betray future generations. We have to be very careful about mainstreaming illicit drugs or the abuse of legal drugs. We have to be very careful about suggesting in our language or actions that it is okay or not so bad to use illegal drugs or abuse legal drugs. Right now, all the way around this country, there are people who are buoyed and supported by the fact that there are laws that make what I talk of illegal. When pressure is being put on them in schools or other places to buy some or try some, the fact that they are illegal allows them to say very easily—and to be socially acceptable—'No, it is not legal. I will not be involved in it.'

Imagine what it would be like if these were suddenly legalised and it were said, 'We cannot beat illicit drugs so we must just try to minimise the harm.' We would mainstream those problems and weaken the support for people trying to do the right thing. That could be at schools, sporting clubs or anywhere else. It could be steroids, psychoactive substances or anything like that.

The government's proposal will pass through the House hopefully today. We often think about these things. People have already said that these new psychoactive substances are drugs that mimic illicit drugs, particularly cannabis and ecstasy. That has already been said by a lot of people. When we look at the terminologies 'legal high', 'soft drugs' and 'legalisation' we must be very careful. We must act exactly like this bill suggests so that we can combat that and provide the supports, disincentives, for anyone involved.
Of course, it is not just a problem here. Some five years ago, the Irish decided that they needed to act in a similar way. As a result the Garda, the police, found that after those laws came into effect the 120 'head shops' around Dublin, which sold drugs such as these new psychoactive substances in all their various forms, almost disappeared because of the actions of the police, backed up by these good laws. In the last month or so, there have been reports that the UK as a whole is pursuing the same sorts of laws that we are discussing today.

There is nothing soft about this; there is nothing harmless about these drugs. In the last three years, some 140 people have died in connection with the psychoactive substances that we are talking about. Russia also has a problem, and I note that a report in early October said that Russian authorities have linked a batch of these manufactured drugs, actually bought online, to the deaths of at least 13 people and the poisoning of another 300 people in the Siberian city of Surgut and the other city of Kirov. So there is most definitely a threat out there, and the threat is certainly real.

As we have heard through other speeches, up until this legislation passes through this place, the initiative, in many ways, is with the manufacturers. Again, they have that ability to change the substance a little bit so that it is no longer the same substance that was previously prohibited. It is exactly through this bill and the arrangements under part 9.2, 'Psychoactive substances' and 'division 320' of the code that we are going to be able to combat this. Apart from some extra definitions, I certainly appreciate the offence of importation being created, with that five-year prison term and 300 penalty points. There are exclusions; substances will not include food, tobacco products, other goods under the Therapeutic Goods Act 1989 et cetera.

The other part that I am particularly drawn to, as well, is that it is not just a matter of the imported substance or products, as you might call them, just being the psychoactive substances; if they purport to be, or suggest that they are, a legal alternative for existing drugs then there will also be an offence and that carries a two-year jail term. I think that that is a particularly good move. Again, I say that I applaud the bill and the changes that it will enact by ensuring that an effective application of offences applies. Together with the cooperative framework by states and territories with plans to cover the health, law enforcement and education initiatives, the plan for combatting this scourge is well commenced.

Of course, the bill is not just about psychoactive substances. I also would speak briefly about changes to gun laws to provide for tougher penalties for crimes involving guns. As we know, around 25 per cent of murders in Australia involve the use of firearms. So it is always an important thing. As a previous speaker reported, since Prime Minister Howard upgraded the gun laws in Australia great progress has been made. The ability of criminals to avoid the harsher penalties of trafficking guns by breaking weapons down into component parts is a loophole that we should be very happy to address through this bill today.

I would also speak on matters regarding the international transfer of prisoners scheme. This is an acknowledgement that there is hope for the rehabilitation of prisoners and a hope that they can be reintegrated into society. This is the case for Australians serving periods of imprisonment here and overseas. Obviously the sentence imposed by the sentencing country must be taken into consideration in the prisoner's home country and preserved. It is an interesting point. A lot is said about rehabilitation of prisoners. I live with the hope and wish that prisoners can be rehabilitated through the right programs within prisons. I call it a hope,
and, hopefully, through these changes to the International Transfer of Prisoners Act 1997, that hope can be moved to reality.

I remember some years ago I had the opportunity of speaking to the superintendent of Karnet prison, in Western Australia, which is a lower security prison for those that are passing through and will be released in the not-too-distant future. It is not high security, maximum security or even medium security; it is a low-security prison. At that time, I had had quite a bit of contact with prisoners through my job that I was doing at the time. I said to him, 'What sort of prisoners do you actually get rehabilitated?' because it was always a question that I was wondering about, because it seemed so often that the media reports—as accurate as they are—would say someone has reoffended and is back in jail and that some of the worst crimes are being committed by people that have been released recently. So I asked an expert, 'Who is normally rehabilitated?' Disturbingly, the only group that he said to me was murderers; the only group that can be rehabilitated

I asked him: 'Surely you don't mean serial murderers,' and, of course, he said, 'No, not serial murderers.' But mostly, in that crime, it is a crime of passion, a mistake at the time—a grievous, terrible, tragic mistake, there is no doubt. But at that point there is a one-off, there is hope that they can learn their lesson—after a long period of imprisonment. I said, 'What about people involved with drugs?' and he said, 'No. They always reoffend.' Again, that is his opinion through his experience. I said, 'What about child molesters?' and he said, again, that they have a history of reoffending. We went through a number of different areas and it just seemed like again and again what hope there is is, I think, a little bit on the wishful side.

But, in any case, we live in hope that the right programs can see the person rehabilitated and, through changes that are envisaged in this bill, that those Australians overseas and those of other countries that are imprisoned here can be rehabilitated and sent back to their country to serve the remaining part of their sentence. Yes, we live in hope there. In conclusion, I looked through this bill and the aspects of it and it is significant compared to so much of what we see come through here. I see that there is everything to be supported here. It is a good way forward. The fight against drugs must be continued, and that is at the forefront of this bill. The other measures that make it up are well and truly worthy of our support. So, in final conclusion, I completely endorse the substance of this bill and I look forward to it passing at the first available opportunity.

Dr JENSEN (Tangney) (17:46): There is no greater duty of a member in this place than to do everything humanly possible to ensure the personal safety of our constituents and our communities. The Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 is a well-reasoned, timely and positive step in that direction, and it is for this reason that I give it my wholehearted support. This bill contains a suite of measures aimed at preventing and deterring crime. Crime is an issue prevalent in all electorates around the nation. Regardless of how safe or unsafe a neighbourhood might seem, all communities know only too well the effects of crime, one way or another.

The same can be said of another great scourge of the modern world: the damage associated with substance abuse and drug addiction. As a father, I know only too well the concerns that grip any parent when he or she thinks about the topic of drugs and crime. Not that I would ever suspect my children—or anyone's children, for that matter—of turning to it, but the fear of the unknown and the slightest possible risk always resonates with a parent. After all, the
most cautious and law-abiding citizen still feels the damning and hurtful impact of crime and substance abuse. Crime and substance abuse is not just a concern for those directly involved. Streets, suburbs and entire communities can feel its effects. It can lead to the breakup of families and societal decay. Worst of all, substance abuse and crime can and does cost lives. It preys on the vulnerable—the young, the old—or anyone who falls in its path.

That is why the government is working vigorously to fight against crime and against those that peddle illicit substances and to help those that fall victim to its grasp. This is why I support this bill and the measures within it. Most significant to me are the steps taken to target the growth of new psychoactive substances, as well as new laws aimed at tightening the trade in illegal firearms and parts. These measures are being introduced in accordance with the promise the government made to the people at the last election to be tough on crime and to help create safer communities for all.

In regard to new psychoactive drugs, I applaud the government's efforts in stemming the flow of substances that purport to provide legal highs. These substances are known to be dangerous and have been linked to many tragic incidents before. We owe it to the mothers and fathers of Australia to eradicate any foothold this dangerous psychoactive substance industry gets in this country. At this moment, new psychoactive substances are being manufactured intentionally to work around the prohibitions of illicit drugs. Some chemistry here and there and you can manufacture a substance that may have the same effect on the mind and the body as LSD. However, despite having similar hallucinogenic effects, these new psychoactive substances may be perfectly legal at the moment to buy and sell.

Our agencies are working endlessly to identify and prohibit potentially harmful substances. However, it is never that easy. Sadly, it often takes a tragedy to identify harmful substances, locate their suppliers and take them off our streets. In 2012 and 2013, for example, two teenagers from New South Wales tragically died following their consumption of a substance known as NBOMe. This substance had similar hallucinogenic effects to LSD and was clearly dangerous. However, it could be sold legally until the tragedy occurred.

The measures in this bill will stop the supply of these substances and, as such, stop them from being sold legally in stores and tobacconists across the country. To do so, this bill will introduce offences to the Criminal Code to ban the importation of substances based on their psychoactive effect and where they are presented as alternatives to illicit drugs. This is necessary as these substances are hardly ever manufactured in Australia. We need to stop the flow of these substances at the border to protect our own constituents from the misleading and harmful substances. This bill will not cause undue inconvenience to those who may legitimately need to import such substances. Certain foods and medicines, and industrial, agricultural and veterinary chemicals, may be psychoactive; however, they have legitimate purposes and, when used for their proper purpose, are largely safe. If the authority suspects someone is importing these new psychoactive substances, then officers of the Australian Customs and Border Protection Service and the Australian Federal Police will be authorised to seize and destroy them before they can reach the market. To ensure no-one has imported substances wrongfully seized and destroyed, affected persons will be entitled to a proper review and can challenge any seizures made. In doing so, they will have to prove they are importing the substances for legitimate purposes. If they cannot prove there is a legitimate reason for their importation they will be destroyed for good, before any more lives can be
ruined by these wicked substances. Wicked may seem like a strong word, but this truly is a serious issue that requires urgent action.

To illustrate the problem of new psychoactive substances, consider this: the current approach simply would not stand if we replaced the drugs in question with alcohol. Imagine that some cunning beverage peddler pioneers a drink that mimics the effects of alcohol but contains not a single drop of it. With no alcohol present, this drink would fall outside the current legal framework that regulates the sale and consumption of intoxicating beverages. There goes the age restriction; there goes the drink-driving prohibition; there go the public prohibition laws. Even though the laws are clearly in place to target the effects of intoxication, they would be useless against these faux beers because they do not exactly fit the wording of the legislation. This hypothetical exercise applies perfectly to psychoactive drugs.

While the current legislation does well to target harmful substances already classified as illicit drugs, the scope of the legislation is sadly too narrow to include the chemical structures of these new psychoactive substances. This is exactly the reason we need the provisions of this bill, as these new psychoactive substances are specifically designed to work around the legislation and provide legal ways to get a high. The drug-marketing machine has been hard at work to sell these legal highs. According to the New South Wales police, misleading names include 'herbal highs', 'bath salts' or 'plant food'. Regardless of how the legal drug dealers disguise their products, the truth of the matter remains that these substances are still dangerous. One of the reasons they are dangerous comes down to how they are marketed.

Whether we are winning or not, we are fighting a war on drugs. Key to this has been the information war, which I think we can say we are winning. People know drugs can be harmful to them. People know the risk of serious injury or death that can come from their high. People know that safer drugs such as marijuana can still cause serious mental harm, or be a gateway drug to more dangerous drugs out there at the very least. People know they are illegal and that willingly dealing with them could lead to serious criminal charges. Essentially, people know that drugs, in the main, are dangerous and best avoided. Herein lies the problem with these new psychoactive substances: these substances, while having the same effect as illicit drugs, can still at times be legal. This gives the dealers a free pass to the market to sell their wares, as the substances' legality can be taken to imply that the substances are safe, or at least somehow less harmful than the illicit drugs whose effects they are supposed to replicate. Of similar concern is the inference some may draw that, if a substance is legal, it therefore must have been through some form of testing or approval. This is sadly not the case. These new psychoactive substances are nothing more than an untested cocktail of potentially dangerous chemicals.

This bill will stop people from importing such dangerous and untested substances. By doing so we will be protecting our children from the harms of potentially dangerous and lethal substances. This is our chance to nip this potential problem in the bud before it grows too large. With this bill we can stop the deadly trade in new psychoactive substances. We can prevent future harm, loss and grief. Considering how great a challenge it has been to bring illicit drugs under control, anything we can now do to prevent another problem emerging is a win for the country.

The other big issue this bill tackles is the lingering problem of the illegal firearms trade and gun related crime. First and foremost, this bill will see the introduction of a mandatory
minimum five-year sentence for those convicted of firearms trafficking offences under the Criminal Code. This will send a clear message to those currently engaged in the illegal firearms trade, or those who may one day enter into this illegal activity, that it is a serious offence and will be dealt with by the courts in a serious manner. According to the Australian Crime Commission, there were 250,000 long arms and 10,000 handguns in the illicit firearms market in 2012. In that same year, the ABS reported that there were 454 murders in this country. Firearms were used in 25 per cent of these murders, meaning at least 113 people lost their lives to firearms. This is a frightening statistic when you consider that only a handful of these illicit firearms get into the hands of hardened criminals to make an impact. The hundreds of thousands of illicit firearms in the market and the impact they make on national crime rates makes it ever more clear that action needs to be taken here. These measures are ever more timely considering the current national security climate, the rise of Islamic extremism and the threat of terrorism at home and abroad. This bill goes further to tackle the illicit gun trade by also targeting those that traffic prohibited firearms, and firearms parts, into and out of Australia. New offences in the Criminal Code will complement existing international trafficking offences in the Customs Act.

These offences will not only make the smuggling of prohibited firearms an offence under the Criminal Code but will also criminalise the traffic in firearms parts. Currently, criminals have been able to work around current legislation by breaking down firearms and trafficking their constituent parts to be reassembled in Australia. Firearms can be quite durable and a weapon slowly smuggled into Australia part by part could survive as a lethal weapon for decades once assembled. These weapons could then find their way into the wrong hands, the hardest criminals and others with evil intentions. As a country, we have already done so much to prevent criminal and nefarious elements accessing firearms and we are often recognised internationally for our success in this area.

Following the heartbreak of the Port Arthur massacre in 1996, Prime Minister Howard was quick to act in our national interest. He implemented brave reforms in the area of firearm regulations prohibiting the lethal automatic long arms that had previously caused so much pain and suffering. This has been an overwhelming success. Today we can thank our former Prime Minister for his work in this area. This bill continues that work and strives further towards preventing firearms getting into hands that should never grasp them.

The bill sends a clear message that engaging in illegal firearms trade is a serious matter and will be treated as such from here on. By closing potential loopholes around the trafficking of firearm parts, we are cutting off yet another aspect of the illegal gun trade. There will be one less gun available for organised crime with every gun that we stop illegally entering the country.

All of this is being done in keeping with the promise that we took to the electorate last year. I look forward to reporting back to my constituents that with the passage of this bill we will have made good on our promise to the people of Australia. The same goes for the prohibition of the importation of psychoactive substances. The days of these drugs being sold in our stores are over. The safer, unsuspecting customers— (Time expired)

Mr LAMING (Bowman) (18:02): In concluding this debate with near unanimous support for the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014, I want to observe that we are in a global battle against psychoactive substances, not just
a national one or even a state one. Synthetic drugs are taking an ever-increasing share of the drug problem. We saw heroin and cocaine were popular in the 70s and 80s. They were replaced in the 90s where there could not be a party without there being a pill. Methamphetamine replaced amphetamines and now, ultimately, they have been replaced by what we refer to as designers drugs. It is important that the government can respond to the ever-increasing threat. It is a complex and fast-changing threat.

We have been waiting a very long time for legislation that takes a standards based approach to these substances and that identifies not just individual molecular threats to the health of young people and people who ingest them but identifies that any substance that is not legitimately a pharmaceutical or a food that attempts in some way to create a similar effect to an illegal drug is just as illegal as the illegal drug itself. We are tired of our law enforcement officers having to consume taxpayer funded resources to chase people who abuse these substances at enormous cost to the public only to have the recipe slightly changed by the drug cook and then those supplying the substances can walk scot-free. We have an enormous scope and variety in these NPSs, new psychoactive substances. They appear to be originating predominantly from parts of Asia and West Africa. These networks are only just being understood now by the United Nations Office on Drugs and Crime.

Increasingly, a large amount of product destined for Europe is going through Turkey. West Africa is increasingly providing to the dominant global market of South-East Asia and South Asia. Still the markets in Hong Kong, Japan and China are increasingly seeing the bulk of the trade. Around 36 tonnes of this material was intercepted by global authorities but that is really only the tip of the iceberg. What we know is that increasingly Japan and Malaysia are the targets. Wherever South-East Asia establishes a supply, sure as you can be certain, Australia will be a target market as well. Ketamine is another popular drug traditionally well known to us in Australia as a veterinary anaesthetic but still abused, particularly by our near northern neighbours.

Precisely what did Queensland—the state that, under Campbell Newman, led the way as part of the safer night out strategy—do to come up with a legislative solution that other states have started to follow? It was the important addition of a clause that any dangerous drug that intends to have a substantially similar pharmacological effect to a scheduled drug should be identified as dangerous and is illegal under section 4C of the Drugs Misuse Act 1986. This was a very important change. No longer did we have this invidious delay between the drug being cooked up and hitting the market and the authorities needing to respond legislatively. That delay no longer exists.

We have also seen in Queensland some substantial seizures in both Townsville last year and in Mount Isa under operation Lima Evergreen and Lima Steward. We need to be able to ban these products immediately, as soon as they hit the market. As we said: when you see hoof prints, you do not think of zebras. They are clearly drugs that are being abused and used by the same target market. People are taking an extraordinary risk when they consume them.

This surge has just led to literally hundreds of these products. As I said, a simple molecular manipulation is enough to create a new product, but, of course, then it is mixed up in varying compositions. So we have the ridiculous situation where someone can take a simple leaf or a herb, take hand sprayer, spray the psychoactive ingredient over it, chop it up and press it into
a pill. It is that simple but it is also unpredictable. The product that you might have had safely yesterday with the same name is no longer necessarily safe tomorrow.

What we have is an inability to identify a life-threatening substance that has been consumed and we are powerless to administer any sort of ban to prevent it from continually being supplied. So we need to be able to act quickly, particularly with drugs like with mephedrone where there is now an international agreement thanks to the UK approaching the United Nations. There are now 348 of these products reported globally, and I am sure even that number is old. We saw the total number of substances mimicking cannabis alone double from 60 to 110 in just one year between 2012 and 2013. So it is important that we are standing here to stop the tragic deaths.

We are not going to stop people experimenting. Every behavioural psychologist will tell you that between the ages of 15 and 25 as the frontal lobe develops, young people will take great risks at that time of their life. All we can do as a society is delay the point at which that experimentation occurs and to reduce the intensity of it. The common wisdom that is provided—and I know that it is schoolies week right now so the Red Frog teams around the Gold Coast and Sunshine Coast will be working very hard even as we speak—is to stay in groups, stick with your friends, do not get isolated and do not do drugs. It is simply the wrong place with no supports. Do not take those risks at any time, particularly at schoolies, where you are most likely to be less risk-averse.

We need to ban the importation of these substances. That is obvious, and the bill does that. But we are a part of a global market; the demand is in Australia and so too will be the importation. The sophistication of these measures is extraordinary. Smugglers are now able to purchase two postcards; use the obverse sides of two postcards, cutting them down to be thinner; place some gladwrap in between the two postcards; iron some illegal drug in between the two sides of the postcard, melding them together; and simply post drugs, using standard delivery systems. We need to be able to stop, seize and destroy this immediately—and the federal government gives us that option with this legislation tonight, supporting the states, who have been calling for it for a very long time, asking for federal support with preventing importation.

I want to mention briefly that, regardless of the name of these products, what you bought yesterday is not necessarily what you will buy tomorrow. The most common active ingredient was initially BZP, benzylpiperazine, but also trifluoromethylphenylpiperazine, piper nigrum, phenylalanine, tryptophan and tyracine. They were the active ingredients initially; now, we have moved on to BZP-free drugs. These are also an increasing concern.

Why are these drugs so dangerous? If they are just mimicking cannabis, isn't the easy solution to simply legalise cannabis? The answer is no. For every reason that most of us understand in here, cannabis is an extraordinarily dangerous drug. There is a no safe dose of that drug. We should never be contemplating the legalisation of it, despite what some states in the United States may well be doing.

More importantly, there are unique characteristics of these synthetic cannabinoids that make them particularly dangerous. The first one is the absence of cannabidiol, which has some moderating impact on the tetrahydrocannabinol. The second one is that it is a full rather than a partial agonist, meaning that it acts on the CD receptors with a 100 per cent effect—and the CD receptors are very common through the brain, neurologists tell me. Last of all,
even the metabolites of these artificial cannabis products still retain some kind of effectiveness. The great benefit of cannabis is that the active ingredient, once broken down, is no longer effective. That is not the case with these. So we take an extraordinary risk when we consume these artificial cannabinoids.

What Queensland has done with artificial drugs is a lesson to the rest of the country. What they have done with their Safe Night Out strategy is even more audacious and bold. Australians understand that it is utterly unacceptable for people of any age to be out in a drinking precinct, being a danger to themselves and then needing the health system to bail them out; or being a danger to others through alcohol-fuelled violence and hospital admissions.

It is not good enough to simply employ more police on double time, running around the streets picking these people up and trying to keep them apart; while the offenders refuse move-on orders, costing huge amounts of taxpayers’ money—none of which is recouped from them. It is not good enough to simply give them a suspended sentence. It is time for some serious law reform in this area. It is utterly unacceptable that these people do not pay the costs of their behaviour. If they are a threat to the lives and the health of others, they need to be charged for it. If they are delaying, diverting or consuming police and ambulance resources through drug-affected behaviour, they need to be charged for it.

Queensland has taken the first tentative but significant steps in this area with their 'sober safe' centres. If you are deemed to be in that state of mind, you can be picked up by a police officer and not taken through that extraordinarily complex piece of paperwork that involves detaining, arresting, calling into court and running through the legal system. This is clearly something not dissimilar to a basic infringement. If you are consuming police resources, threatening the life or health of someone else and are clearly a danger to the people around you, Queensland will take you to 'sober safe' centres. Offenders will pay a proportion of the cost of being detained before they are released. It is a very important step in that direction.

Sure, these are stronger penalties, but nothing up until now has really worked very well. If I am a parent and I think my children are in safe drinking areas, I have the right to expect that they will come home the next morning alive. That is a basic expectation. It is inadequate that Australia and a handful of countries cannot manage these illegal drugs and risky alcohol-consuming behaviour.

We are working hard with government advertising, but 20 years of that has not made a jot of difference. We have had the alcohol industry onboard working hard—although obviously in a conflicted situation—and doing their best to ensure responsible drinking in venues and making sure there is not a single pill in these places. Ultimately, I think that initiatives like DrinkWise and new apps are encouraging. We need people saying hello to Sunday morning; we need people knowing that you can drink responsibly and still be cool. Ultimately, it simply is not good enough to be carried out by an ambulance or arrested by a policeman—regarding that as being some rite of passage.

We have an opportunity here as a federal government: to prevent the importation of these drugs, to ensure that we seize these products and to clearly identify that these are illicit substances even if you choose to tweak the molecule. This federal legislation does that, and I congratulate the government for its action.
Mr FRYDENBERG (Kooyong—Parliamentary Secretary to the Prime Minister) (18:13): The Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014 delivers on the government's continuing commitment to combating drugs and gun-related crime. This bill will also ensure that Australia's criminal justice arrangements for the international transfer of prisoners, anti-money laundering and counterterrorism regime and the investigation and prosecution of slavery offences remain up to date and effective.

The member for Batman, when he was not repeating the second reading speech verbatim, stated that the Labor Party supports the ban on psychoactive substances because they 'wrote it'. This is incorrect. Like many important areas of reform, the previous Labor government talked about the issue but never actually delivered. They had six years of government to introduce legislation of this type, and they did not. The coalition has delivered on this important priority.

Since coming to office, the government has developed a bill that strikes the right balance between stopping new synthetic drugs and allowing legitimate trade. The bill will implement a carefully targeted and refined ban on illegitimate psychoactive substances; one that is centred on protecting the Australian community from this scourge but does not add to the regulatory burden of an already complex border environment. The government finalised this approach after a long period of consultation within government and following consultation with the community.

The opposition have also raised concerns about the introduction of mandatory minimum sentences for new and existing firearms trafficking offences in the Criminal Code, detailed in schedule 2 of the bill. The introduction of mandatory minimum sentences of five years imprisonment for firearms trafficking offences is consistent with the government's commitment to pursue a strong and nationally consistent approach to gun crime. The introduction of the penalty was part of a suite of election commitments made in the government's policy to tackle crime, in which we detailed a range of measures to stop illegal guns and drugs at the border. This change makes the penalties for firearms trafficking more proportionate to the level of harm the offence can have on the community. As the member for Dobell has rightfully pointed out in her speech, Australia is unfortunately no stranger to violent gun crime.

The previous Howard government made landmark changes to gun ownership which made our community safer. This government recognises the harm that illegal gun ownership and trafficking has on our community; this is why we believe that tougher penalties and mandatory minimum sentences are appropriate to further tackle the use of firearms by violent criminals. The government recognises and respects the importance of preserving a court's discretion in sentencing and the court's ability to take into account the particular circumstances of the offence and the offender. Therefore, the mandatory minimum will not apply to a person who was under the age of 18 when the offence was committed and it does not impose a non-parole period.

I have noted the concerns raised by the Senate Legal and Constitutional Affairs Legislation Committee and the Parliamentary Joint Committee on Human Rights in relation to mandatory minimum sentences. In response to these concerns, the Minister for Justice has agreed to amend the explanatory memorandum for the bill to note that:
...the mandatory minimum sentence is not intended as a guide to the non-parole period, which in some cases may differ significantly from the head sentence.

The minister is satisfied that this is sufficient to address the concerns of the committees. The minister also notes that the validity of mandatory minimum penalties for aggravated people smuggling cases in the Migration Act were upheld as constitutionally valid the High Court case referring to Magaming v The Queen. The appellant's argument that the imposition of these penalties was arbitrary and non-judicial was not successful.

In conclusion, the bill will reduce the availability of new psychoactive substances by banning their importation and allowing Australian Customs and Border Protection Service officers and Australian Federal Police officers to stop, seize and destroy these substances where they are detected. This will ensure that the drug laws keep pace with new and emerging substances where they are presented as alternatives to illicit drugs. The bill also demonstrates the seriousness with which this government considers firearm trafficking and the gravity of supplying firearms and firearms parts to the illicit market by creating a more comprehensive set of firearm offences and penalties.

Australia's International Transfer of Prisoners Scheme is important for community safety, as it ensures that prisoners can be reintegrated into that country's community and appropriately monitored, supervised and supported during the enforcement of their sentence. The bill will make existing processes governing this scheme more efficient, timely and simplified, while appropriately maintaining prisoners' rights.

This bill will also make clear that slavery offences within Commonwealth criminal law have universal jurisdiction. Slavery amongst the most abhorrent of all crimes and this amendment will ensure that Australian law enforcement agencies have the appropriate tools to target this crime wherever it occurs. In addition, the bill will take steps to improve Australia's anti-money laundering regime by enhancing the ability of the Australian Taxation Office to catch tax cheats and bolster the budget's bottom line.

I commend this bill to the House.

Question agreed to.

Bill read a second time.

Explanatory Memorandum

Mr FRYDENBERG (Kooyong—Parliamentary Secretary to the Prime Minister) (18:20):
I present a supplementary explanatory memorandum to the bill.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr FRYDENBERG (Kooyong—Parliamentary Secretary to the Prime Minister) (18:20):
by leave—I move government amendments (1) and (2) together.

(1) Schedule 1, item 1, page 6 (after line 33), after paragraph 320.2(2)(i), insert:

(ia) a plant or fungus, or an extract from a plant or fungus; or

(2) Schedule 6, page 39 (before line 3), before item 1, insert:

Anti-Money Laundering and Counter-Terrorism Financing Act 2006

1A Section 5 (after paragraph (s) of the definition of designated agency)

Insert:
I propose two amendments to the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. The first amendment will specifically exclude plants, fungi and their extracts from the ban on the importation of psychoactive substances in schedule 1 of the bill. This amendment will address issues raised by the Senate Legal and Constitutional Affairs Legislation Committee in its report on the bill. The ban is intended to stop people from importing new synthetic versions of known drugs. While it was highly unlikely that Customs or AFP officers would stop and seize innocuous plants, herbs and fungi under the original provisions contained in the bill, these amendments will give importers of harmless substances greater certainty that the ban will not inadvertently affect them.

The second amendment will enhance Australia's anti-money laundering regime through amendments to the Anti-Money Laundering and Counter-Terrorism Financing Act 2006. The amendments will provide legislative certainty for the Australian Taxation Office to raise taxation assessments when it uses information obtained under section 49 of the AML/CTF Act to match taxpayers with funds entering or leaving Australia. This will enhance the ATO's ability to catch tax cheats and will bolster the budget's bottom line.

This government is committed to fighting corruption wherever it lies. The amendments will enable the Victorian Independent Broad-based Anti-corruption Commission—IBAC—to assess financial intelligence to more effectively investigate corruption, as well as replace the Crime and Misconduct Commission of Queensland with the Crime and Corruption Commission of Queensland in the list of agencies permitted to access financial intelligence.

The minister has also approved minor additions to the explanatory memorandum of the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014. In addition, schedule 2—which relates to firearm offences—was made in response to concerns...
raised by the Legal and Constitutional Affairs Legislation Committee and the Parliamentary Joint Committee on Human Rights. The explanatory memorandum has been amended to reflect that the new mandatory minimum sentence for firearms-trafficking offences is not intended as a guide to the nonparole period, which in some cases may differ significantly from the head sentence. The amendment emphasises the government's intention of preserving a court's discretion in sentencing.

The addition to schedule 5, relating to validating airport investigations, will provide additional information—in the statements of compatibility with human rights—about the bill's engagement with rights under the ICCPR to outline that the bill is compatible with those rights. The addition includes a discussion on the right to an effective remedy and the right to a fair trial and fair hearing rights, following recommendations received from the Parliamentary Joint Committee on Human Rights in its 10th report of the 44th Parliament about the bill. I recommend these amendments to the House.

Mr FEENEY (Batman) (18:24): I rise on behalf of the opposition to respond to these amendments, which have only just been given to me now. I am prepared to offer the support of the opposition for these two amendments, and I would like to speak very briefly about that, if I may.

I am supporting these amendments on the basis that, with respect to the first one concerning the exclusion of fungi and other natural items from the legislation, it is consistent with the Senate report into this matter. The debate was well ventilated in that report and I would commend it to the House.

In the second instance, I am supporting this on the basis that, as I comprehend it—and I just want to be absolutely clear about my intent—by adding the Victorian and Queensland anticorruption bodies to the bill, we are ensuring that this legislation enables the authorities to access tax returns in those jurisdictions on the same basis that tax returns may be accessed in other Australian jurisdictions. On that basis, I am happy to offer the opposition's support.

Question agreed to.

Mr FEENEY: by leave—I move opposition amendments that stand in my name and have been circulated in the House:

(1) Schedule 2, item 14, page 16 (lines 17 to 24), omit the item.
(2) Schedule 2, item 18, page 21 (lines 13 to 18), omit section 361.5.

These amendments would have the effect of removing those parts of the bill that prescribe a mandatory minimum sentencing requirement. The regulation of firearms in Australia is primarily a state and territory matter. However, the Commonwealth has a longstanding role in regulating the import and export of firearms and firearms parts. The controversial element of this bill, insofar as the Labor Party is concerned, is the introduction for the first time of mandatory minimum sentencing.

The parliamentary secretary, in that small part of his presentation when he was not reading from his notes, alluded to the heritage of this fine upstanding piece of legislation—that heritage, of course, being that it is a Labor initiative and Labor bill.

The coalition have changed one element, and that one element I seek to contest now. Labor introduced, as part of its bill in 2012, a maximum penalty for these offences of life imprisonment. That was a significant improvement on what had preceded it. This would make
the maximum penalty for trafficking in firearms the same as the maximum penalty for trafficking in drugs. Our view is that that was utterly appropriate. It was designed to send a very strong message that trafficking large numbers of illegal firearms is just as dangerous and potentially deadly as trafficking large amounts of illegal drugs, and the same maximum penalty should apply.

The Senate Legal and Constitutional Affairs Legislation Committee conducted an inquiry into this bill and tabled a report on 2 September 2014. There, Labor senators agreed with the majority of the report except for the recommendations made in respect of the proposed mandatory minimum sentences for firearm traffic offences. We wish to draw attention to the strong opposition of the peak law organisations and state prosecutors who submitted evidence to that inquiry in respect of mandatory minimum sentencing.

Labor also wishes to highlight that the guide to framing Commonwealth offences, infringement notices and enforcement powers produced by the Attorney-General's Department states that minimum penalties should be avoided. This is because they interfere with judicial discretion to impose a penalty appropriate in the circumstances of a particular case, may create an incentive for a defendant to fight charges even where there is little merit in doing so, preclude the use of alternative sanctions such as community service orders that would otherwise be available in part 1B of the Crimes Act 1914, and lastly may encourage the judiciary to look for technical grounds to avoid a restriction on sentencing discretion, leading to anomalous decisions.

The fact that this government has ignored its own recommendations in this should surprise no-one given their failure to support their own promises in every other field of public policy. Nonetheless, Labor is of the view that the imposition of mandatory minimum sentences for firearms-trafficking offences should be avoided. The better approach would be to implement a regime of penalties for firearms-trafficking offences reflecting the approach proposed by Labor when it was in government.

In November 2012, the then Labor government introduced the Crimes Legislation Amendment (Organised Crime and Other Measures) Bill 2012 into the House of Representatives. This bill, which lapsed in the Senate at the end of the 43rd Parliament, expanded existing cross-border firearms-trafficking offences in the Criminal Code 1995 and introduced new international firearms-trafficking offences. It introduced new aggregated offences for dealing in 50 or more firearms and firearm parts. It was intended that the new basic offences would attract a penalty of 10 years imprisonment, consistent with existing firearms-trafficking offences; however, it was proposed that the aggregated offences would attract a higher penalty of life imprisonment. As I said earlier, the same maximum penalty applied to drug trafficking. In the words of the then Minister for Justice, 'This would send a very strong message that trafficking in firearms and the violence it creates will not be tolerated.'

Labor senators urge the government to adopt a similar sentencing regime in relation to the proposed firearms-trafficking offences. We believe this would still send a very powerful message to criminals, but avoid the issues associated with mandatory minimum sentencing and better preserve judicial discretion as outlined so eloquently in the government's own framework documents.
While there is no evidence that mandatory sentencing laws will have a deterrent effect, there is very clear evidence that they can result in injustice because they remove the discretion of a judge to take into account particular circumstances that may result in unintended consequences. In addition, mandatory sentencing removes any incentive for defendants to plead guilty, often leading to longer, more contested and more costly trials. The opposition has moved these amendments consistent with this very strongly-held view.

I finish on the note that is laid out in the Australian Labor Party's national platform that it is the strongly-held view of my party that mandatory minimum sentencing is often discriminatory in practice and has not proved effective in reducing crime or criminality, and so we oppose mandatory sentencing and detention regimes. I commend the amendments to the House.

Mr FRYDENBERG (Kooyong—Parliamentary Secretary to the Prime Minister) (18:30): We do not accept the opposition's amendments, and it is for a number of reasons. Firstly, we have a strong history of ensuring that the punishment fits the crime. In the event that we are talking about the trafficking of guns and the impact that that has on innocent members of our community, we believe that these mandatory minimum sentences are thereby appropriate. Secondly, it is not just occurring in the Australian jurisdiction; it has been adopted in other jurisdictions—namely, in the United Kingdom, where they have a mandatory minimum sentence of five years or three years for someone aged 16 or 17 who applies to the possession, acquisition, manufacture, sell and transfer. Also, if you look to Queensland, they have a mandatory minimum sentence of between 18 months and five years, all to be served in a corrective services facility. Thirdly, Labor's opposition, or Labor's amendments in this case, to our bill is based on the false understanding that if you have mandatory minimum sentences it prolongs the case of a trial. In fact, there is evidence to suggest that it does not lead to defendants not pleading guilty, because what it means is that you are now getting punishments that actually fit the crime, and we take into account what is the harm to the community of these gun offences. So it is that misguided view that the opposition has that the mandatory minimum penalties make trials longer and more stressful that we challenge here today.

Mr Feeney interjecting—

Mr FRYDENBERG: That is what we challenge here today. We do not support the opposition's amendments.

The DEPUTY SPEAKER (Mr Broadbent): I put the question that the amendments now be agreed to.

Question negatived.

Original question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr FRYDENBERG (Kooyong—Parliamentary Secretary to the Prime Minister) (18:33): by leave—I move:

That this bill be now read a third time.

Question agreed to.
Bill read a third time.

**Intellectual Property Laws Amendment Bill 2014**

Debate resumed on the motion:

That this bill now be read a second time.

Mr SUKKAR (Deakin) (18:34): I rise today to talk about important reforms that this government is making in the area of intellectual property regulation through the Intellectual Property Laws Amendment Bill 2014. As members of this House are aware, one of the key aims and objectives of the Abbott coalition government is to reduce, improve and modernise existing business regulation and red tape and to remove duplication where it exists. It is very timely that we have in the chamber today the Parliamentary Secretary to the Prime Minister, the member for Kooyong, who has done an outstanding job in leading that agenda.

As many decades of economic reality have taught us, the best and most reliable way to improve our standard of living is to ensure that economic conditions encourage ingenuity and enterprise. The key part of this is to ensure that governments place the least amount of regulatory burden on business as possible so that businesspeople can continue to get on with the job of growing their bottom line and creating more jobs. Since the coalition came to government, we have sought to remove or reduce thousands of outdated and duplicate regulations. This includes more than 10,000 pieces of legislation which were removed as part of our repeal day earlier this year.

A key factor in determining our long-term economic success is our ability to ensure that businesses have new markets in which to develop and to expand into as well. This often involves breaking down economic barriers between our neighbours and trading partners. As we have already seen take place through the signing of the landmark trade deals with China, Japan and the Republic of Korea, Australia is well and truly on the path to breaking down those barriers, but the ability of our businesses and the economy at large to make the most of these new markets and opportunities depends on our ability to innovate and adopt new technologies. This is why reforms and modernisation of our intellectual property law is so crucial at this stage of our nation's economic life.

The intellectual property system and its regulation of rights is crucial to our ability to engage with the realities of the 21st century and the global economy, as it provides certainty for business and encourages invention and investment by business, which in turn provides consumers with access to valuable new technologies and services. The coalition also believes that good regulation can encourage and promote fair competition in the private sector, and this, of course, can only be a good thing. Intellectual property protections are a key part of this. As I say again, they encourage innovation and investment by ensuring that businesses can protect valuable intellectual property that often costs a great deal of money to create.

One aspect of the reforms before us today is the enhancement of a single market between Australia and New Zealand which will assist with the strengthening of the already strong economic relations we share with our trans-Tasman neighbours. Under current arrangements, most businesses that file for a patent in New Zealand also to do so in Australia. In a situation where a business wishes to obtain an identical patent in both these countries—which is often really the case—the business must make to separate applications and incur the associated extra time and cost that such duplication entails. As part of the reforms before us today, we
will therefore ensure that this process is streamlined by allowing for applicants to go through a single application and examination process for both Australia and New Zealand. This will reduce duplication, making it cheaper and easier for those many businesses who wish to obtain a patent in both jurisdictions to do so in a single manner.

Further, the bill will also create a single trans-Tasman register of patent attorneys. Under current rules, patent attorneys who assist with making IP patent applications must again be registered separately on both the Australian and New Zealand registers, should they wish to operate in both countries. The creation of a single registration process under this legislation will, of course, make it easier for patent attorneys to practise in both countries, thereby enhancing the services they can provide to businesses in Australia and New Zealand wishing to make IP applications.

Another important component of this legislation is the important humanitarian aspects that it contains. It is not often that we get to deal with reforms that simultaneously tackle micro-economic issues in the way of enhancing our trans-Tasman single market and also making changes that have the potential to make a real humanitarian difference to the lives of those living in the developing world. The bill allows this through the long-overdue implementation of the Protocol amending the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property—the TRIPS Protocol—as proposed by the Howard Government back in the 2007. This protocol is designed to help developing countries that are suffering from a health crisis such as malaria, HIV/AIDS or tuberculosis to obtain much needed medication at affordable prices. Many underdeveloped nations currently struggle to either manufacture the pharmaceutical themselves or gain access to patented pharmaceuticals required to treat or control these diseases—sadly this often means that many deaths that are avoidable.

The reforms contained in this bill therefore amend the Patents Act to allow Australian generic pharmaceutical manufacturers to supply underdeveloped countries with patented but lifesaving medication. Under the proposals recommended by the World Health Organization, generic manufacturers of pharmaceuticals will be able to apply to the Federal Court for a licence to manufacture patented medicines for the express purposes of exporting to developing countries. Patent holders will be provided with adequate compensation for the use of their products under the scheme, but these lifesaving pharmaceuticals will be provided to those in need. Unlike some proposals aimed at tackling severe poverty and disease in the developing world, this proposal has the potential to have a strong and direct impact on the health and wellbeing of those suffering extreme poverty overseas, all with reduced costs to the taxpayer.

We all know that in developed countries such as our own, we are fortunate enough to have eradicated or greatly reduced the impact of many diseases. This has obviously been achieved through the development and patent of successful pharmaceuticals, many of which have been made widely available to our population through successful programs such as the Pharmaceutical Benefits Scheme and special immunisation schemes. Indeed, a strong and robust patent system continues to be important in the development of lifesaving medications. Without a properly regulated patent system providing the regulatory certainty to those involved in the painstaking and expensive task of conducting medical research, these sorts of developments would not happen at the rate that they have historically and which I am sure...
will continue. But it is sad to say that a large number of the world's population suffers and dies from treatable diseases. The last statistics that I was able to track down were for 2011, which saw approximately 262 million deaths through treatable diseases. The United Nations estimates that approximately two billion across the globe lack access to essential medicines. The vast majority of these people come from countries with a limited capability for medical research or limited capability to fund the acquisition of the medications required to treat those diseases. That is why the TRIPS Protocol is so important. As I have said, with this bill we have an opportunity to play our part in a very meaningful and direct way to assist the lives of those living in third world countries by adopting the TRIPS Protocol.

On another note, the bill makes some sensible and minor regulatory changes to current legislation governing intellectual property rights more broadly. The bill will amend parts of the Patents, Trade Marks and the Designs Acts which will include the repeal of certain document-retention provisions currently contained in it. Perversely, under the current provisions, IP Australia are required to retain physical copies of trade mark, patent and design documents for extended periods of time, often costing taxpayers hundreds of thousands of dollars in storage and related handling costs. The amendments contained in this bill will remove those burdensome and archaic rules. In the same way that the government has sought to remove these outdated paper-retention provisions, we are also ensuring that a range of costs borne by private businesses with respect to the archiving of documents are also removed.

In closing, while I understand that legislation relating to intellectual property laws, regulations and processes may not be headline grabbing or of particular interest to many people compared to much more high-profile matters, I believe that this legislation and the changes contained within it represent a significant example of where government can quite sensibly and in a straightforward way provide a stable base for competitive and innovative business practices but also achieve some outstanding humanitarian results. I therefore have great pleasure in commending this bill to the House.

Dr LEIGH (Fraser) (18:45): Patents create short-term monopolies. The deal for a pharmaceutical manufacturer is simple. They make their formula public; in exchange, we give them a competition-free run of the market lasting up to 20 years. I will begin my speech today with the specifics of the Intellectual Property Laws Amendment Bill 2014 and then conclude with some broader contextual issues over the role of the patents system in boosting—or potentially impeding—innovation.

This bill is a worthy one, replicating as it does a bill put forward by the former Labor government last year. Its main purpose is to implement the TRIPS protocol, which enables manufacturers of generic pharmaceuticals to apply to the Federal Court for a compulsory licence to make and export a patented pharmaceutical product to address a health crisis in a developing country. As the previous speaker has noted, it delivers on the Australian government's commitment to the World Trade Organization's TRIPS protocol and does so with a humanitarian goal.

Developing countries, as the Parliamentary Library's brief has noted, often do not have the capacity to manufacture the medicines necessary to treat epidemics such as malaria, HIV and tuberculosis, so the interim waiver of the Trade Related Aspects of Intellectual Property Rights or TRIPS protocol agreed to by the General Council of the World Trade Organization provides a mechanism to supply such countries the medicines they need to address health
epidemics. The TRIPS protocol provides that this can only be done under certain very specific provisions. Only pharmaceutical products needed to address public health problems in developing and least developed countries are included. Products may be imported by any least developed country member, but before the products are obtained the importing country must notify the TRIPS council of the details of the shipment and confirm that the country has insufficient manufacturing capacity for the products. Prior efforts must have been made to obtain authorisation from the patent owner, and these efforts must have been unsuccessful within a reasonable period of time, although that requirement can be waived during extreme urgency. Certain conditions are placed on licences granted under the TRIPS protocol to reduce the risk of pharmaceuticals being diverted from their intended recipient. And, where a licence is granted, adequate remuneration must be paid to the patent owner. These are, in my view, thoroughly reasonable limitations.

I note in passing the coalition's backflip on their position on this bill. In debate in the House of Representatives last year, Sophie Mirabella, the former member for Indi, and the member for Tangney voiced concern about this bill. Sophie Mirabella, for example, argued that the proposed amendments could place Australia in breach of a number of its obligations under the TRIPS protocol and said:

I might also stress that one of the reasons for the General Counsel's decision to limit waivers under article 31(f) of TRIPS in such a way to member countries was that it provided a clear incentive for nonmembers to join the organisation.

The member for Tangney said:
The Commonwealth exposes itself to the full weight of sanction of the WTO. How reckless and irresponsible a measure to endanger the economic sustainability of the nation and the livelihoods of millions. To entrench the budgetary emergency borders on treason.

They are feisty words, and I look forward to the member for Tangney's contribution to this debate given that the proposal to allow non-WTO members to access the system was not changed in the 2014 bill. It will indeed be interesting to see whether the member for Tangney, who described such a proposal as 'treason' when it was put forward by Labor, will now be voting for it or against it.

As the previous speaker has noted, it is a good bill. It is a bill which extends to developing countries, in situations of emergencies, access to life-saving medications. We saw during the HIV crisis of the late 1990s and early 2000s this issue come to the fore of international debate. It is indeed vital that we ensure that the most vulnerable have access to medications.

The patents system itself must always ensure that we boost innovation, particularly in the critical area of pharmaceuticals. It is not guaranteed that patenting will boost innovation. Indeed, as Alex Tabarrok has noted, we want to have patent protection that is strong enough to encourage more invention but not one that is strong enough to deter further invention or innovation. I will come back to Professor Tabarrok's views later in my comments.

A number of economists have recently noted some of the distortions that arise out of the patents system. In the case of cancer drugs, a patent application must be filed straight after a drug discovery, but clinical trials necessary for drug approvals take several years. The effect of that is to shorten the effective life of the patents. So, for example, a clinical trial for patients with metastatic prostate cancer lasts only three years compared to an 18-year long trial for those suffering from milder localised prostate cancer, as the *Economis* has noted.
The result is that a trial based on short-term outcomes, three-year results, produces an effective patent life of 17 years—20 minus three years—whereas one that looks at long-term outcomes, say, an 18-year trial, might only leave two years of effective patent life. Economists have shown that the distorting effect of this is that there are 30 times more clinical trials for recurrent cancer drugs than for preventive drugs. Effectively, the patent system as it currently stands encourages pharmaceutical companies to produce drugs that increase life by small amounts at the end of life, rather than those that are preventive drugs and are able to actually produce long-term cures. The current one-size-fits-all patent system does not deal with some of these distortions.

The issue of follow-on patenting has also been raised by a number of economists. A paper by Sotiris Vandoros of the London School of Economics has tracked sales of ACE inhibitors, used to treat blood pressure, and proton-pump inhibitors, and found that after drugs go off-patent there is not a commensurate increase in total demand. Competition with generics does not appear to be cutting costs and increasing supply, as we would have hoped would occur at the end of the patenting system. The potential that follow-on patenting is undermining the tacit bargain that underpins patents is concerning to me. That tacit bargain is that we give the pharmaceutical company a 20-year monopoly and they place their ingenious finding into the public domain to be used by all at the end of the 20-year period. But follow-on drugs threaten that system from taking place.

Professor Alex Tabarrok suggests there is what he modestly terms a ‘Tabarrok curve’, which has patent strength on the horizontal axis and innovation on the vertical axis. He suggests that that will be a hump-shaped curve and that at a certain level of patent strength we will get the maximum amount of innovation from our patent system. But, as we continue to strengthen patents, Professor Tabarrok suggests that innovation may indeed decline. As he points out patents cannot encourage innovation if they raise its costs. In fields where innovation is a cumulative process, restricting patents would cause firms to lose some of their monopoly rights, but they would gain the opportunity to use the innovations of others. The result is greater total innovation. So it is absolutely vital that we ensure our patent system is at the peak of the Tabarrok curve and not falling to the left or right side of it—not too weak so as to fail to provide appropriate protection to pharmaceuticals, but not too strong so as to discourage innovations that build upon one another's.

Ours is a system that developed in 15th century Venice and then in 17th century England. It is vital that we continue to update the patent system to acknowledge the realities of the modern economy. Both for pharmaceuticals and also for information technology, I think there is cause for a careful re-visiting of the patent system, bearing in mind that patent strength must always be aimed at boosting total innovation and not merely the innovation of the particular patent holders at the time. I commend the bill to the House and look forward with bated breath to see how the member for Tangney casts his vote!

Mr COLEMAN (Banks) (18:56): It is good to have the opportunity to speak on the very important topic of intellectual property, and specifically the Intellectual Property Laws Amendment Bill 2014, which we are considering this evening. Intellectual property is one of the bedrocks of a market economy, because in the absence of robust intellectual property laws people will be very reluctant to invest. The protection of one's unique ideas is really fundamental to our economic system. That is why we have an important intellectual property
regime. It is not necessarily a front page issue, but it is an absolutely critical aspect of our economy.

There is an important balance that needs to be achieved in the realm of intellectual property between encouraging and defending innovation whilst at the same time not making it too difficult for new competitors to enter the same market. So there is always a degree of tension between those two goals. A number of the initiatives in the amendment bill we are discussing this evening do address the very point of where that line should be.

I think it is important to reflect on the importance of intellectual property in the Australian economy. Think of some of the amazing success stories we have achieved as a nation that would not have been possible without a strong and orderly system of intellectual property regulation. One of the government’s key goals is a simple and orderly set of structures for business and the removal of unnecessary burdens of red tape, so ably led by the parliamentary secretary to the Prime Minister. It applies in the intellectual property space, as well. Think of a company like Cochlear, an extraordinary Australian success story, employing about 3,000 people and having $4 billion in value for its quite revolutionary ear implant and related technologies. It would not be possible to build a company like that without a strong system of intellectual property, and the patent laws that are related to that. So it is very important that we as a nation have in place laws that encourage the next Cochlear to come along, because we want to be a nation of innovators.

It is interesting and notable that many companies that rely upon intellectual property tend to have high-quality, high-paying, high-skill jobs. Those are the jobs of the future, and those are the jobs that we need in this nation.

There are many other examples of great Australian companies that have benefited from intellectual property development. Radiata, through the CSIRO, developed wireless LAN technology many years ago and has generated very substantial revenues through the various settlements related to that important development. And we have other great examples, like ResMed. ResMed is a world leader in products related to sleep apnoea. This is an enormous company that has innovated extraordinarily, has world-leading patents, employs more than 4,000 people around the world, and has a market value of more than $8 billion—and none of that would be possible without a robust system of intellectual property. It does not have to be that very big-picture level either; the intellectual property system is at work right throughout our economy. Just recently, the Prime Minister and I visited a business called Ace Gutters, in Mortdale in my electorate of Banks. Ace Gutters is a fantastic Australian manufacturer and supplier of guttering and other plumbing products. Ace Gutters benefits from our IP system as well, because they have trademarks around their brands and around the various processes that are so important to their business. The trademarks regime is also extraordinarily important in industries like media. Having come from that world myself, I can tell you that immense value is placed on the protection of the value of trademarks on things like magazines, such as the Australian Women’s Weekly and many others that rely enormously on the IP system. Then we have the world of copyright and, again, it is the intellectual property regime which protects the unique ideas of creators. The next great Australian film—whether it is the next Gallipoli, Shine or Red Dog, or whatever it is—will again rely on the robust system of intellectual property that we have in this nation.

So we have to be careful when we make amendments to the intellectual property system, because the last thing we would ever want to do is to discourage innovation in this space. We
want to give Australian innovators every opportunity to put their best foot forward, knowing that if they do have unique intellectual property, it will be defended by our system. Another thing that we have to do in this space is, frankly, to make it easier for people to navigate through the world of intellectual property exploitation. This is a somewhat arcane area of law. I would hazard a guess that there would be no more than a small number—a few thousand people—in Australia who would have a detailed understanding of all of the various ins and outs of IP. It is a very complex area. As someone who has been involved in applications for patents over the years, especially in the area of business method patents—which is a very important area for many businesses—I can say it is not easy. It is not easy to navigate through the IP system. And that is why the change proposed in this bill, to have a one-stop shop for the application process for patents in Australia and New Zealand, is such a great reform—because, Deputy Speaker, if you want IP protection in Australia, you probably want it in New Zealand as well. There is no shortage of forms to fill out in this space and there is no shortage of documents to be lodged, and if you can do one set of forms for two countries, so much the better. And this is so consistent with the government's agenda of eliminating red tape wherever we can in the economy.

If passed, Deputy Speaker, this bill will mean that if you are an Australian innovator and you successfully go through the patent process, you are protected not only in Australia but in New Zealand as well. We as a government are always working to increase international cooperation in this space. The fact is that people who are applying for patents have to fill out many different applications for different jurisdictions around the world. There has been a trend in recent decades towards trying to simplify that as much as possible, but there is always more that can be done; we are certainly committed to working with business and with the broader community to help make that happen.

The changes in relation to the TRIPS scheme which are part of this bill are also very important. This really gets to the heart of the balancing act that we have in intellectual property law—because, as I said before, we must protect the innovators who have done the hard yards and created this intellectual property, but we need to be cautious that in so doing we do not disadvantage members of the broader community. The TRIPS changes that are proposed in this bill would enable generic manufacturers of drugs to apply for a compulsory licence to be able to manufacture those drugs and provide them to developing nations. We would all absolutely support the very noble sentiment that underlies that policy change, but it is important that those who have manufactured those drugs and who have created those inventions in the first place are not cut out entirely from the process of monetising those drugs. The reason that it is important, frankly, is that if there is not a sufficient commercial return in the creation of new drug types and new drug categories, fewer people will do it. And if fewer people and fewer companies seek to innovate and create the groundbreaking drugs that we need to address the many horrendous diseases that we as a community face, that reduction in innovation can be of no benefit to the people who need help. So that is the balance that needs to be achieved. There needs to be a commercial reason for companies to seek to develop innovative drugs. That is why it is very important that as part of this proposed TRIPS reform, the original IP owner would be compensated when the generic manufacturer provides those drugs to developing countries.
We all want, of course, life-saving drugs to be provided to developing countries. It is appropriate that this bill provides for that to be done as cheaply as possible. It is also appropriate and it is also important that the bill provides that the IP owner is compensated, because, as I said, the last thing we would ever want to do, no matter how noble the sentiment, is create a situation where pharmaceutical companies cease to innovate—we do need the innovation that they produce.

Another important change in the bill is in relation to the whole world of plant breeders' rights. The plant breeders regime in Australian IP law is relatively new—it was only recognised as a specific class of intellectual property in 1994; prior to that it was jumbled up in various other categories. Now—and this is another compliance red-tape issue and again very consistent with the agenda of simplifying things for Australian businesses—rather than a plant breeder who feels that their rights have been infringed having to go to the full Federal Court, and you can imagine the costs that are attendant in such a process, it is now possible to go to the Federal Circuit Court. This is much simpler with a little bit less pomp and ceremony, and it is a much quicker, more cost-effective process for plant breeders. That is a really important reform and very consistent with the other reform in the bill in relation to a consistent approach in Australia and New Zealand.

This is a very important piece of legislation—intellectual property, as I said at the outset, is not necessarily a top-of-mind issue for the majority of Australians but it is an absolute bedrock of our system. It helps businesses at the local level—businesses like Ace Gutters from Mortdale in my electorate; businesses that are innovating—and importantly it helps businesses that are going the extra yard to create new intellectual property that leads to new innovation. Those are the businesses that will tend to have the higher growth capacity and they will tend to be in higher growth sectors of the economy and it is very important that there is a sensible regime to enable them to compete. These three important changes—in the TRIPS space, in the Australia-New Zealand application process and in the protection of plant breeders' rights and allowing them access to the cheaper legal remedies through the Federal Circuit Court—are all really important changes and I certainly commend the bill to the House.

Mr HUSIC (Chifley) (19:10): We all know that Australians have for quite some time enjoyed, relative to world standards, a very strong standard of living. It is an envied position built off the back of hard work—initially sweat and tears from our forebears but in more recent times we have made a lot of great advances through mind rather than brawn. In recent decades, Australia and Australians have earned the reputation of being able to innovate, drawing on our skills in the sciences, and advances in healthcare, in particular, have given us a great deal to be proud of. Many in the rest of the world, not just here in Australia, are better off as a result. We boast a long list of scientists, researchers and doctors who have been recognised internationally for their brilliant gifts to the world. Fred Hollows and Dr Victor Chang may be household names here for their life-changing, pioneering advances in sight or heart transplants but there are many other Australians who have been lauded internationally for their work to make the world a better place. You do wonder, though, how we will be able to achieve continued success in this realm given the coalition government has seen fit to not even have a science minister, and what we have seen since the coalition came into government is a deliberate walking away from Australia being the smart country. Everywhere you turn you can see assaults on advances in innovation, sciences and research—for instance,
we have the massive $114m cut from the CSIRO's budget. While Australian governments of all persuasions over the past 60 years have backed Australia's scientific advancement, that has changed in just a matter of months under this new government.

Last year, the Labor government introduced the Intellectual Property Laws Amendment Bill 2013. It did so in response to Australia becoming a signatory in 2007 of the World Trade Organisation's Trade-Related Aspects of Intellectual Property Rights, or TRIPS, protocol. Put simply, in what is a complex area, the bill would enable manufacturers of generic medicines to apply through the Federal Court for a compulsory licence to enable them to manufacture and export a patented pharmaceutical product for the purpose of addressing health crises in developing nations. Not everyone is as lucky as us and not every nation has the capacity to produce medicines to combat medical emergencies within their borders, so the TRIPS protocol is an important one. It is just one, but everyone should have access to medicines which could see them live longer or get healthier—that is a basic human right and should not be a privilege for a minority privileged few who are fortunate enough to have been born in a developed nation.

Let us not be mistaken, patents are a good thing—they present just reward for ingenuity and hard work. If it were not for patents, pharmaceutical companies would simply not be able to venture down the path of further advancement—it would be cost prohibitive and in many cases fruitless. But with the issuing of patents comes responsibility—a global responsibility—and generic medicines, while leveraging off the hard work of those who have gone before, are essential to meet a need in countries where the ability to produce their own medicines simply does not exist and probably will not for some extended period of time. While Australia has previously committed to the TRIPS protocol, it does require legislation and that is why we are debating this issue here again in the House today. There is no argument that intellectual property is the end result of millions of dollars of investment in research and development by private entities and is, rightly, carefully guarded as a reward for that hard work.

However, we are not talking about a new type of retractable hose or a state-of-the-art line of new house paint here; what we are talking about is medicines that have the potential to save countless lives in countries whose geography means, through no fault of their own, access to these pharmaceuticals has not been possible or has not been easy. HIV-AIDS, tuberculosis, malaria and other conditions continue to claim millions of lives around the world. Ebola is the latest virus to send fear around the world and devastate thousands of families in West Africa; horrifically, it has been predicted that it has the potential to affect one million people by January, which is truly a staggering statistic. It is only right that signatories to the WHO's TRIPS protocol, such as Australia, are able to export patented medicines under compulsory licence to countries in need. Australia has always been a proud humanitarian leader and this is another string to that bow.

In simple terms, Labor and the coalition have offered up 'the same model car' in these two bills more than a year apart; the few differences are largely cosmetic. There is, however, one notable alteration to the bill that was introduced by us. When drafting the intellectual property law amendment legislation and introducing it into this place last year, we sought to clarify Crown use and its operation. Crown use means the government can use a patented innovation without having to gain the owner's authorisation. Crown use would be invoked when it is in the public interest—in other words, for the service of the Commonwealth or a state. It would
prevent laborious, time-consuming negotiations around licences. The intent of this bill is to address the issues of gene patents and the crucial area of health care. Unfortunately the coalition has seen fit to remove the Crown use provisions in the 2014 amendment bill.

I also intend in relation to this bill to draw to the attention of the parliament and the public a very bad habit that has plagued the Abbott government during its first 12 months in office—that is, backflips. When the IP amendment bill was introduced into this place in March last year, the then member for Indi, Sophie Mirabella, in her shadow ministerial capacity, stated: To put it mildly, this bill represents another example among many of poorly conceived legislation and poor drafting from the government.

She continued:

It is very clear that the preparation of this bill has been both rushed and botched and the coalition cannot in good conscience simply let this go through in its current form.

Well, what a difference a year makes. In his second reading speech, on March 19 this year, the member for Paterson stood in this place and said:

I note that, when in government, the opposition supported the progression of these matters. Therefore I look forward to the opposition's support for this bill.

Well, Abbott government, the message is clear that, unlike you, Labor will not simply oppose for the sake of opposing. You definitely own the patent on that! In June last year almost 70 members opposed the second reading of this bill, only to reintroduce it themselves in a very similar form this year. So we will not be opposing the bill.

I just want to touch briefly upon some other IP issues. This issue is important. We have responsibly sought to ensure, particularly in relation to pharmaceuticals, that we can work constructively in this space. Obviously this bill represents in large part what we put to the House last year. We seek to ensure that those millions of dollars in investment that I referred to are properly protected and guarded and allow us to benefit from the medicines that come out of that. It is not always the case, though, that IP is used for such noble purposes. I have had a great deal of concern when it comes to the use of IP measures to not necessarily protect R&D but, rather, to allow companies to protect old business models in the face of change. Certainly in the technology space, particularly in digital software, we have seen companies seeking to use IP provisions as a way to ensure that they can price discriminate across boundaries.

If we are to ensure broad support for investment in this area and not have IP laws undermined through piracy, through breaches of copyright, then we do need to ensure that companies also behave in the right way in response, that they do not use these mechanisms in a way that buttresses profits instead of ensuring the free movement of goods and services. Last year the House of Representatives Standing Committee on Infrastructure and Communications, of which I was a member, brought down a report that tried to deal with this area. The government sat on the final report for more than a year, without moving on it. The issues that were dealt with by that report have ensured that the government has been forced to deal with the issues individually—copyright reform, which the Attorney-General is trying to deal with; profit shifting, which the Treasurer is trying to deal with; and piracy, which the Minister for Communications is trying to deal with—but all of these issues intersect. Certainly in the IP space, this has been used as part of a broad array of issues to buttress profit and not allow for the freer movement of goods and services in a way consumers can support.
We have seen the government being forced to deal with these issues separately instead of dealing with them in a coherent and unified way. Again, if they are serious about these issues they will respond to the report. Certainly you would hope that the Minister for Communications would respond in that way. However, I suspect that, as is often the case in the minister's portfolio, it is not the minister who calls the shots but the Prime Minister's office, who are not necessarily great advocates of innovation and supporting technological change in this country. And you would be concerned about where things would head from there.

On the issue of IP, we certainly hope that this legislation does secure assent through both houses of parliament and that we are able to make an advance here. You would also hope that the next lot of developments that we would expect from our scientific community will be supported through adequate funding, through recognition at a federal level by having a minister who can champion their cause—an actual science minister—and by ensuring that higher ed reform proceeds in such a way that we do not squeeze people out of training and development and going on to capably represent the nation in the research sphere. We need to make sure that the next lot of brains get trained up and put to good use to develop the types of things are at the heart of this bill. One would hope that we would be able to see further advances off the back of ingenuity within this space rather than relying on larger advanced nations to do that work. That would also have an impact on the way that product is distributed in this country.

As I said before, the opposition stands ready to work with the government on this bill. We said we would not oppose the bill, although we do have concerns about changes to the Crown-use provisions that we had inserted in the bill last year. Be that as it may, we believe that the overall objective is very important. That is why we will not be opposing this bill.

Ms SCOTT (Lindsay) (19:23): I rise today in support of the Intellectual Property Laws Amendment Bill 2014. I am proud to be part of a government that has brought this legislation to the parliament. The measures in this bill enjoy bipartisan support, as they are critical to the economic development and growth of our country. As such, I agree with the statement of the shadow parliamentary secretary for manufacturing, who said that these measures are long overdue.

This bill reflects the government's commitment to boosting innovation, growth and development. Strong intellectual property protections are essential in providing security for ideas, inventions and new technology. The cost of research and development is one of risk and reward. To build a smart economy of the 21st century we must as a government encourage creative and entrepreneurial activities, but we must also ensure protection is provided to those organisations and individuals that take the ultimate risk in investing their time and money in bringing their research to life. This is becoming increasingly important, as we must ensure Australia remains competitive on the international stage in the research and development of new and emerging industries. Further, we must have enormous benefits for Australia and our local communities by creating long-term and sustainable employment opportunities.

The measures contained in this legislation are welcome news to Australian businesses, particularly businesses in the electorate of Lindsay, which I stand here today representing. These measures also work very hard for businesses right across Western Sydney, which I, like
the member for Chifley, sitting opposite, believe is one of the most innovative and progressive areas in our country. Lindsay, in Western Sydney, is one of the fastest growing regions in Australia. Two-thirds of the Lindsay workforce must commit every single day for employment: one-third to the city and one-third into greater Western Sydney. The people of Western Sydney, in particular the people of Lindsay, demand more local jobs. More than that, they demand smart jobs. Since the days of Governor Macquarie identifying the five Macquarie towns or Macarthur and his sheep or even Sir Henry Parkes, late of Werrington, long has our part of Western Sydney being innovative and entrepreneurial. The time has come again for the people of Western Sydney to step into an innovative future. To secure that, the government must provide infrastructure to link our business parks and protection for our business community to invest. Among those businesses is one of the oldest plastics manufacturers in Australia, ASP Plastics. A local St Mary's company, it proudly holds the patents and trademarks to over 200 products. Use of these products ranges from applications in mining, cabling, and construction to the medical sector. ASP Plastics' managing director, Paul Brennan, has welcomed the measures contained in the amendment. In a letter to my office, Paul wrote:

Many of the government's initiatives have merit in reducing time to raise patents and the associated costs, but we need the legal processes to be faster, more decisive, and immediately acting in the interest of the patent holder.

Further, Paul highlights the need for improvements in the intellectual property legislation particularly in the increasingly global economy.

I believe this legislation is a good first step in addressing these challenges and protecting Australian small and medium enterprises like ASP Plastics. Paul also says in his letter:

We have numerous products that we have designed and patented, and by the time that you cover the obvious countries where we see potential markets it does not take long to rack up patent fees of hundreds of thousands of dollars. This is a very painful exercise for a SME and we have no other choice than to build the patent costs into our products and in doing so run the risk of making them less competitive.

Paul has long feared the costs of protecting his patents in court, which can result in a no-win situation where the legal fees are often more than the income from those products could possibly be. This ultimately affects businesses' bottom lines.

I would also like to draw attention to the University of Western Sydney, a world-class research institution driving innovation across Western Sydney and indeed within my electorate of Lindsay. Barney Glover, the Vice-Chancellor of the university, said in regard to the implementation of the TRIPS protocol:

The university is supportive of the amendment's humanitarian dimension, viewing it as a practical response to potential health crises in developing regions.

On the bill's extension of jurisdiction into the Federal Court, UWS sees this as a prudent cost saving measure.

Similarly, the University is of the view that the proposal for a single-Tasman patent attorney regime, and the document retention repeal both represent a much-needed streamlining of processes, aligned with the Commonwealth's broader measures to reduce red-tape and regulatory impositions.

This legislation and its five schedules will improve and strengthen the Australian intellectual property system. It delivers on the government's commitment to implement the protocol
amending the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property, or TRIPS.

Under the TRIPS protocol, Australian pharmaceutical manufacturers will be able to apply to the Federal Court for a compulsory licence to manufacture generic versions of patented medicines and export these medicines to developing countries in need. Patent holders will be provided with adequate compensation for the use of their patented inventions. In my opinion, this is an opportunity for Australia to provide a humanitarian service to the Third World. Developing countries often have difficulty manufacturing or accessing patented pharmaceuticals and so are unable to respond to serious public health problems.

Schedule 3 will make amendments to the Plant Breeder's Rights Act to extend the jurisdiction of the Federal Circuit Court to include plant breeders' rights. Plant varieties are important to the success of the Australian agricultural industry. These rights encourage breeders—many of whom are small businesses—by providing a sense of safety to the breeder and the farmer alike, ensuring the investment in research and development that will ultimately mean new and improved varieties.

At present, the rights owner can only take action against alleged infringers through the Federal Court, which can be both time consuming and very costly. The Federal Circuit Court is designed to deal with less complex matters more quickly and informally than the Federal Court. This bill will amend the act to give owners the lower cost option of taking action in the Federal Circuit Court. I today spoke with the former National Rose Society President and Emu Plains resident Glynis Hayne, who said: 'The amendments to the plant breeder rights will be most welcome as they will enable the mostly amateur breeders a relatively inexpensive way to protect their intellectual property that wasn't previously available to them.'

This legislation will help large breeders as well, including Sylvan Australia. Sylvan is the world's largest producer of mushroom spawn, with manufacturing facilities in Londonderry. Sylvan's research comprises four basic areas: (1) maintaining the genetic stability of established strains; (2) pursuing genetic studies, including the breeding of new spawn strains; (3) testing of chemicals, pesticides and fertiliser to bring new specialty products to market; and (4) exploring ways to increase the reliability and efficiency of Sylvan's unique production capabilities. This is a great result for Sylvan. Also in Londonderry, in the northern part of the Lindsay electorate, resides Regal Mushrooms—a wonderful organisation that is producing approximately 20 per cent of Australia's mushroom supply.

Put quite simply, this legislation is about protecting local jobs. This legislation cuts significant red tape for local businesses by introducing a single economic market initiative. At present, businesses that want to obtain patents in both Australia and New Zealand have to go through two separate application processes. This bill will strengthen our economic relations with New Zealand and reduce costs to businesses by allowing for a single patent application and examination process for Australia and New Zealand. This will increase efficiencies by allowing for a common trans-Tasman regulation of patent attorneys.

Finally, schedule 5 will make minor technical amendments to existing IP legislation, enabling the government to dispose of unwanted IP documents sooner, saving the government hundreds of thousands of dollars in administrative costs.
In all, this bill represents an important package of improvements to Australia's intellectual property system. It takes into account the challenging global environment but also makes significant improvements in reducing barriers and protecting the ideas of Australian entrepreneurs and businesses. Further, it delivers on the coalition's agenda to reduce red tape for those Australian businesses wishing to obtain or enforce their intellectual property rights and will provide more support for other countries facing health emergencies. I am delighted the government is moving in these areas, and I commend the bill to the House.

Mr BANDT (Melbourne) (19:34): Australia is going to need to have something to sell to the rest of the world when the rest of the world tells us to stop digging. We are going to need an economy for the 21st century when the mining boom is over. We are never going to be able to compete with China or India on wages. The strength of the Australian economy in the 21st century is going to be based, in large part, on our brains. That means doing everything we can here from this place to ensure that our scientists, our researchers and our businesses are well placed to develop the innovative products that will sustain us in the 21st century.

You hear some similar rhetoric coming from those on the government benches as they rise to support this bill. You could take the government somewhat seriously were it not for one simple fact: under the Abbott government, spending on science research and innovation is at its lowest since records started being kept in the 1970s. We are seeing this played out right here in this parliament now. At the same time as this bill, supposedly to advance and promote the innovation system in this country, is being debated, the government is also seeking support in the Senate for a bill that would cut the research and development tax concession for companies with turnover above a certain amount. What the government does not seem to understand is that that will not just affect those large companies, because many of those large companies that get that concession commission research to be done by smaller companies. So it is an attack on not just a handful of companies; it is, in fact, an attack on the innovation ecosystem in this country.

The government is coming at it with a another attack. As well is that first attack to limit who can get the R&D tax concession, the government is also wanting to reduce the rate of the R&D tax concession. They are saying, 'We need to cut it by 1½ per cent because we are also at some stage in the future going to cut the company tax rate by 1½ per cent.' What is astounding, in a budgetary scenario that only those in the government could have dreamed up, is they are cutting the research and development tax concession now without any legislation at all to cut the company tax rate. They are saying to people, 'You can already start receiving less to do research and development in this country.' This bill has to be seen as part of a package of legislation that is about attacking the research and development and innovation system in this country. Added to that is the budget, the horror budget that people all around the country are turning their backs on—because they know that it is not only a budget that attacks the young, the old, the sick and the poor but also a budget that attacks the smart.

At the same time as we are debating this bill here, hundreds and hundreds of jobs are being lost from CSIRO. Just as we have one speaker from the government side saying it is wonderful that we have advanced manufacturing in Australia and how we need bills like this in order to support it, at the same time in Victoria a quarter of the workforce, in areas like advanced manufacturing, is going. Not only are they working out how to do more with less and, in some instances, using 90 per cent less raw material to produce the same machine part
compared with existing methods of manufacture; they are also engaged in the kind of advanced manufacturing that would form the support for areas like the biotech industry. It is the biotech industry that I want to talk a bit more about because of its crucial importance to the Australian economy and the failure of this bill and the other budget measures to adequately support that industry.

What we know—certainly in Melbourne, but right across the country—is that developments in health and medical research are good not only for people but also for the country and the economy. Since 2009 Australia has made more every year exporting health and medical related products than exporting cars. Whenever the car industry gets in trouble, it is front-page news—and justifiably so—because so many people's livelihoods depend on it. Yet governments think nothing of cutting several hundred million dollars at a time from health and medical research budgets or from the research and development tax support that sustains much of that industry.

In Melbourne I have visited some of the research institutes, universities and companies that are performing world-leading research activity. We have the potential, for example, to be producing bionic pain relief devices out of Melbourne that will relieve various kinds of pain, in the same way that we have had developments in the bionic ear. We also have the potential, coming in large part from Melbourne together with other areas, for developments in the bionic eye. Yet also, within the last week or so, we have seen Bionic Vision Australia complaining that they are not getting the support from the government that is required to sustain them.

At the same time as providing the necessary support for an innovation ecosystem, which this government is failing to do, there is another aspect of Australia and Australian society that this bill ignores but that we need to preserve—that is, the public good. At the same time as ensuring our research and private sectors develop the cures and the technologies that will allow us to live healthier, longer and happier lives, we also need to ensure that access to those cures and technologies is not based on money. We need to ensure that we remain a place where you only need your Medicare card—and not your credit card—to get good health care. To do that we need a government that is not only sensitive to supporting the innovation ecosystem—as this government is not—but also capable of supporting the public good.

Over the last few years, groups of people who have been denied access to the treatments they require have come to governments and asked, 'Can you please help us?' When they have been unsuccessful, they have gone to the courts. They have gone all the way to the High Court. In one case, those who were restricted from accessing cancer treatments formed a group, Cancer Voices, and, together with many others, commenced litigation. At various stages they succeeded; at various stages they did not. They ended up in the High Court and they lost in the High Court. Along the way there were a number of attempts to deal with this issue: on the one hand, how do we ensure that we are developing world-leading research and cures—and giving companies the incentives to develop them—while, on the other hand, ensuring that the benefits of those discoveries, which are in large part supported by the taxpayer, are made available to everyone and to those who need it?

Whilst the litigation that was associated with certain kinds of gene therapy was concluded in a way that was adverse to the plaintiffs, the question has not gone away. The question has not gone away, because there will be new kinds of research, cures and technologies that will
be developed, hopefully by Australian companies, and people who will say they do not want their access restricted to those cures and technologies just because they cannot afford it. They will say they want the Australian public health system to support them in that. They will want to make sure that patent laws do not restrict their right to get good quality health care, because, in a rich country like Australia, everyone should be able to access good quality health care. You should not be turned away because of wealth or because of our laws.

It is incredibly disappointing that this bill, which comes in the context of an attack on the innovation system generally, also fails to grapple with the other side of the equation—that is, what we do about making sure the cures, research and technology are available to everyone? This is going to become increasingly important. You only need to look around the world at the moment to see that on one side of the world we are facing a crisis with Ebola, while here in Australia we have researchers who have the capacity to contribute to stopping the spread of that disease—and also, potentially, curing it—or at least being able to vaccinate people against it.

Now, how do we ensure that governments, the representatives of the public of Australia, have access to that? The last time a bill like this came before this parliament, it attempted to grapple with that issue. That is because what all of the inquiries along the way found was that from both sides of the ledger—from the company side of the ledger, as well as from the public side of the ledger—one of the things that proved a bit of a stumbling block was the so-called Crown use provisions in this legislation. What we heard was this: patients saying, 'The government has the power by law to take some of these discoveries and make them available to the general population, but they are just not doing it.'

One of the reasons they are not doing it is because, although there is quite a wide ranging power for the government, there is actually no process set out in the legislation. Even if you wanted to do it, you would not know how to do it. That is what we found as we lobbied ministers—so the evidence went. We tried to lobby ministers, we tried to get them to do the right thing, and they said, 'This is a very rare power. It is really used, so I am not going to use it on this occasion.' On the other hand, you have the company saying that because it is such a wide ranging power they find that it mainly comes up when they get government departments coming to them and saying, 'We have got the power to take your invention or your discovery and use it. We have got the power to take your invention or your discovery and use it. We have got that power sitting in our back pocket, so let's sit down now and negotiate an appropriate rate to purchase your discoveries for their use in the public health system.'

In the context of that, something that is crying out to be resolved is not only that problem that we saw during the breast cancer dispute and the Cancer Voices dispute but also the problems that are likely to come up again, again and again. That is because as there will be more and more new discoveries and as people's expectations—legitimately so—of better health care increase, these debates are going to continue. We have an opportunity now to put in place something that might stop that kind of future litigation. It might stop people from feeling like they need to go to the High Court to get the cancer treatments that they deserve. It might also give the companies the security that they need to know that Australia is a good place to do their research. That is because once we have either kicked this government out or changed their mind and got them to lift the spending on science research and innovation in
this country, these companies will see Australia as a good place to come and continue to do their work. They will also know that they have the legal security to do it.

To that end, I will be moving some amendments in the details stage. The purpose of the amendments is to distil those last few years of disputes, to distil those last few years of litigation, to hear the legitimate claims of the industry and to hear the legitimate claims of patients and say, 'Let's put in place a simple process so that if people want to access these Crown use provisions because they believe that the invention is not being distributed fairly, then there is a simple process set out in the legislation to go to the minister. 'It is not going to give the minister any extra powers, so the industry should be comfortable with that. What it will do is do what the patients have been asking for, which is provide a way to make sure that the innovations that are developed here in Australia are not restricted and kept by a few when they could be saving the lives of many.

I hope that the government will consider these amendments. I hope, indeed, that the opposition will as well. I submit to the House that they strike the right balance to ensure that Australia will become an innovation powerhouse and continue to lead the world in areas like health and medical research. As we lift our discoveries and as we lift our economy, it ensures that we are also lifting the standard of public health. We can have both. It is not beyond the wit of this House and this parliament to find a way for us to have both.

I will commend, at a later stage, the amendments to the House.

Ms PARKE (Fremantle) (19:49): Last year, I spoke in broad support of the Intellectual Property Laws Amendment Bill as introduced by the former Labor government. That bill did not pass through the parliament before it was furloughed for the 2013 election. The bill before us is substantially the same in respect of one of the main objectives of the Labor bill; that is, the implementation of the TRIPS protocol in order to assist developing countries to access vital medicines.

The TRIPS protocol—that is, the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, which was agreed by the general council for TRIPS in 2005 and accepted by Australia in 2007—enables pharmaceuticals to be exported under a compulsory license. The aim of the protocol is to encourage patent owners either to practice price differentiation and provide medicines at affordable prices to the least developed and developing countries in need or to issue voluntary licences to generic manufacturers to provide medicines at affordable prices. If the patent owner is unwilling to do this, then the protocol provides a mechanism to force the patent owner to issue a compulsory licence.

Much of the world's poor are suffering from treatable diseases including HIV/AIDS, tuberculosis and malaria; yet developing countries are often unable to make essential medicines themselves and cannot afford to buy them at normal market prices. A 2010 study commissioned by the World Health Organization and Health Action International shows that the continuing high price of medicines is having catastrophic effects on the world's poorest people. The WHO has stated that the availability of generic products is a major contributor to reducing the cost of medicines to the poor. We have seen that here in Australia with costs to the PBS being dramatically reduced whenever drugs come off patent and are able to be produced generically.
The bill will amend the Patents Act to enable the Federal Court to grant compulsory licences to generic pharmaceutical manufacturers to make and export a patented pharmaceutical product. Patent holders would receive adequate compensation for the use of the patent. While strongly supporting the intent and objective of the legislation, I am concerned that the mechanism being put in place—an application to the Federal Court—is cumbersome and expensive and that this will undermine the very objective of the policy behind this legislation.

It is already evident that the generic pharmaceutical industry's capacity to fund expensive court based applications is much reduced by reforms regarding drug pricing introduced by Mr Abbott when he was the health minister in 2005 and the signing of the Australia-United States Free Trade Agreement in which, according to the recently released *Pharmaceutical Patents Review*:

> Australia agreed that it would preserve a further extension to patents for pharmaceuticals beyond the twenty years that it had already legislated, without careful regard to whether this binding ourselves to this policy for the future was in our own economic interest.

The *Pharmaceutical Patents Review* went on to caution:

> In negotiating such agreements in the future, Australia needs a more active strategic engagement with the issues. While the patent system must be strong to be effective, it should also be parsimonious, avoiding restrictions on trade and innovation that are not necessary for it to deliver incentives to innovate. Beyond this, international negotiations should address critical issues arising from the limitations of patents in providing incentives to innovate, including the need to develop drugs with high social value which are not well rewarded in markets. There are signs that these past failures are being replicated in the current Trans-Pacific Partnership (TPP) negotiations because small, net importers of intellectual property, including Australia, have not developed a reform agenda for the patent system that reflects their own economic interests—and those of the world.

Indeed, it must be said that the generics industry is in crisis in Australia due to the continued consolidation of market power by the branded pharmaceutical industry through such practices as evergreening, which are strategies employed to extend the effective period during which a product is covered by patents after initial patent protection has expired—for instance, making very minor changes to drugs and getting extensions on their 20-year patents. An example could be changing a tablet from one that is taken every day to one that is taken every two days.

The ability of pharmaceutical companies to evergreen, thereby shutting out generic medicine manufacturers for a longer period at great expense to the PBS, makes a mockery of the patents system, which is supposed to be about offering a limited period of patent protection as a reward for invention that is disclosed to the public. It is not intended to provide a semi-permanent monopoly that can milk the taxpayer indefinitely. The government should, as a matter of urgency, implement the recommendations of the Pharmaceutical Patents Review, which include reducing the maximum effective patent life provided, using part of the associated savings to fund R&D directly, and establishing an external patent oversight committee that is tasked with reviewing grants issued by IP Australia and auditing the decisions involved in making such grants.

In the absence of such reforms, longer-term prospects for patent challenges are doubtful and if this is the case the costs to the PBS will rise dramatically going forward, resulting in reduced access to newer and much needed drugs, such as Solvadi hepatitis C treatment.
With regard to the implementation of the TRIPS protocol, instead of the court based applications set out in this bill I would support another process such as that in Thailand, where an application for a compulsory licence could be made to the government through the relevant minister. Indeed, any state or federal minister has already available 'crown use' powers that would enable the policy behind the TRIPS protocol to be implemented without further amendment to the Patents Act.

As I noted in my speech last year on the bill, crown use is an important safeguard in the Patents Act that allows governments to access patented inventions without the consent of the patent owner. However, despite the fact that crown use provisions have been in the Patents Act since 1903, they have been used only once in this country—in 1916 when Mr Billy Hughes was the Prime Minister, to ensure access to aspirin during WW1.

I note the Productivity Commission's recommendations to the effect that the scope of crown use is uncertain and needs to be clarified. In my view, there is no lack of clarity. What is really needed is the political will on the part of state and federal governments to use the existing and available powers. I am, therefore, not unhappy that the crown use provisions in the previous version of the bill, which sought to implement the Productivity Commission's recommendations, have been deleted, since they may actually have reduced the crown's capacity to use its powers.

The crown use provisions are in the Patents Act to overcome the kind of despicable behaviour that has been engaged in by corporations like Genetic Technologies and Myriad Genetics, in relation to their patents over human genes and which has led to considerable community concern in recent years.

At present in Australia, companies can patent human genes and have monopoly control over those genes for commercial benefit. In my view, and the view of many others, this is wrong on a number of levels. Firstly, it is wrong as a matter of legal principle to allow the patenting of human genes. It is a fundamental principle of patent law—indeed it is the principle upon which the whole patent system is based—that there must be an invention. Clearly, no-one invented our genes—not even the defective cancer-causing ones. Last year, the US Supreme Court in a nine-zero unanimous decision in the Myriad Genetics case found that human genes, whether removed from the human body or not, are products of nature and as such are not patentable subject matter, in the same way that coal extracted from the earth and cotton fibres extracted from cotton seeds are not patentable.

Secondly, it is wrong as a matter of public policy to allow patenting of human genes. The grant of a patent is the grant of a monopoly. Gene patents give companies monopolies over genes and prevent others from accessing those genes. The purpose of the patent system is to take something produced in the private domain and, through a period of protection, bring it into the public domain for the benefit of society. But the patenting of nature involves taking something from the public domain and locking it up in the private domain for the benefit of a single commercial entity, which is, in fact, a perversion of the intent of patent law and its protection of the rights of an inventive individual for the benefit of society.

This has very real consequences for health researchers and clinicians who need access to genes for their work in diagnosing disease and developing treatments and cures. We are only at the beginning of what we know about human genes, and genes are going to play an even greater role in diagnostics, treatments and personalised medicine. Scientists are finding that
diseases like cancers are often caused by multiple genes acting in concert. The more patents we grant over genes the more complex we are making the legal landscape for researchers and those that want to produce new diagnostic treatments and medicines.

Thirdly, the patenting of human genes is wrong because genetic information belongs to all of us and it should not be the subject of private property. James Watson, the co-discoverer of the molecular structure of DNA, said:

It is as precious a body of knowledge as humankind will ever acquire, with a potential to speak to our most basic philosophical questions about human nature.

This is why, when the human genome was decoded 14 years ago, US President Clinton and UK Prime Minister Blair issued a joint statement which said:

Raw fundamental data on the human genome, including the human DNA sequence and its variations, should be made freely available to scientists everywhere ... unencumbered access to this information will promote discoveries that will reduce the burden of disease, improve health around the world and enhance the quality of life for all humankind.

It is instructive to recount some practical examples of how patents over naturally occurring biological materials are impacting on health research and treatment in Australia.

The Chiron Corporation held the patent over the hepatitis C virus. This meant that no-one else could develop alternative and better tests for hepatitis C for 10 years, despite Chiron's own antibody test being largely ineffective. Chiron aggressively protected its patent through lawsuits. This is an example of the chilling effect on research of such patents. What researcher will dare to take on a corporation with deep pockets? Professor Baruch Blumberg of the Fox Chase Cancer Center in Pennsylvania was awarded the Nobel Prize in Medicine and Physiology in 1976 for his work on the hepatitis B virus. During the course of patent litigation between Chiron Corporation and Murex Diagnostics Australia Pty Ltd, Professor Blumberg gave testimony about the impact of Chiron's Australian patent:

Based on the unusually broad nature of the patent, if I were a research director for anti-virals and had the option of working on several viruses, the existence of this patent would weigh against my deciding to undertake HCV research. A company, or even an academic laboratory, might well be deterred from conducting research on HCV because the patent is, in effect, intimidating. With the patent as it stands, any investigator, particularly in commercial laboratories (where much of the work on hepatitis has been done) would have to seriously consider that Chiron would bring an action against them if they attempted any commercialization of anything related to HCV.

Another example was that highlighted on Four Corners in 2010 of Westmead Hospital in New South Wales, which documented the fact that doctors were sending children's samples to Scotland for epilepsy testing rather than pay the exorbitant fees demanded by Genetic Technologies, which holds the licence to the epilepsy gene patent in Australia.

The US corporation Myriad holds the patents over the breast and ovarian cancer genes. The Australian licence holder of the patent is Genetic Technologies. In 2008 Genetic Technologies sent lawyer's letters to all Australian public laboratories ordering them to stop testing for breast cancer, claiming it had the sole right to do so under the patent. In 2010 the Peter MacCallum Cancer Centre gave evidence to a senate committee inquiry that its research into breast and ovarian cancer had been delayed by two years and had ended up costing three times as much because Myriad and Genetic Technologies refused it permission to use the
breast and ovarian cancer genes in its research into those cancers. This is appalling behaviour, and yet in Australia it is completely legal.

Unfortunately, the US Supreme Court decision that genes are not patentable was not followed by the Australian Federal Court, which on 5 September this year held that Myriad's isolation of the human genes linked to breast and ovarian cancer is an invention under Australian patent law. This has gone on appeal to the High Court, but it could be years before it is finalised. In any event, as the High Court has noted in a previous case, this is the kind of matter that is best left to the legislature, which is why, in my view, amendments are needed to the Patents Act.

Such amendments would still allow patents over real inventions such as new diagnostic processes, treatments, medicines and vaccines that use genetic materials in them—for example, Professor Ian Frazer's Gardasil vaccine. The prohibition would only be on the patenting of the underlying genetic material itself, because (a) no-one invented it and (b) because others need to retain access to that basic material to develop alternative treatments and medicines.

The biotechnology industry has claimed that without the economic incentives created by gene patents there will be no investment in genetic research—but in fact the opposite is true. Nobel laureates for economics and medicine Professors Joseph Stiglitz and John Sulston, writing in the Wall Street Journal, said:

[Gene] patents ... not only prevent the use of knowledge in ways that would most benefit society, they may even impede scientific progress. Every scientific advance is built on those that came before it. There is still a great deal to learn about our genes, particularly how they contribute to disease. Gene patents inhibit access to the most basic information.

Further, much of the research that has gone into identifying the genes that have led to gene patents is actually publicly funded. Myriad was only able to discover the genetic mutation for breast cancer by piggybacking on 16 years of publicly-funded research by Professor Mary-Claire King at the University of California, who discovered that the BRCA gene was located on human chromosome 17q. Professor King did not seek to patent her discovery, unlike the gene hunters at Myriad.

Finally, I note that most of the voices resisting reform in this area, primarily the biotech industry and patent attorneys, have vested interests. On the other side of the argument, you have those arguing for the community interest: the Cancer Council of Australia, the National Breast Cancer Foundation, the Royal College of Pathologists of Australasia, the Royal Australasian College of Surgeons, the Clinical Oncological Society of Australia, Civil Liberties Australia, many academics, scientists and economists, including numerous Nobel Prize winners, all saying there is something seriously wrong here. I think we should be listening to that community voice and acting accordingly.

Mr PERRETT (Moreton) (20:04): I thank the member for Fremantle for her contribution. She has been a strong advocate in this area of law for a long time. I congratulate her on being elected seven years ago today, in fact; and I look forward to catching up with her later.

The Intellectual Property Laws Amendment Bill 2014 is substantially similar to the Intellectual Property Laws Amendment Bill 2013 introduced by Labor last year. Labor supports the measures that are contained in the current bill before the House, although I do note the contribution of the member for Fremantle and some of the concerns she raised.
However, it is what the government has excluded from this 2014 bill that is concerning. The bill that the government is seeking to have passed leaves out important protections that were contained in schedule 1 of the 2013 bill. Schedule 1 of the 2013 bill set out to clarify the Crown use of patents. It contained important protections for public access to patented innovations—in particular, it clarified the scope of Crown use in relation to health care. The healthcare system in Australia is complex, particularly in an ageing society. Funding is split between different levels of government, and the provision of services is split between public and private sectors. There are many funders, many healthcare providers and many challenges that come with the myriad service providers.

Currently, Crown use only applies where the invention is exploited for the services of the Commonwealth or a state or territory. The amendment that the Labor government proposed in 2013 was to ensure that Crown use would include services where the Australian, state or territory governments have the primary responsibility for funding, regardless of the actual provider of the services. This was an amendment recommended by the Productivity Commission in its report entitled *Compulsory Licensing of Patents* released in March 2013. There was an example given in the text of the Labor government 2013 bill to illustrate the intended use, which states:

The Commonwealth and the States primarily fund the provision of health services, including genetic tests covered by patents. Under this Chapter, a relevant authority can authorise a third party (an authorised person) to exploit such a patent. Any exploitation of the patent by the third party conducting the test on an individual is not an infringement under this Chapter.

This is an important safeguard to the utilisation of advances in health care, and the public benefit is obvious. It is interesting that the example given relates to genetic testing. I refer again to the contribution of the member for Fremantle. The full Federal Court has recently brought down a judgement in *D'Arcy v Myriad Genetics Inc.*, a case referred to by the member for Fremantle, and that case confirmed that companies can patent gene sequences—that is, a corporation owns the intellectual property over naturally occurring phenomena. Many women will know that the BRCA1 gene is commonly called the 'breast cancer gene'. This gene was the subject of the proceedings in the Federal Court.

It is worthwhile explaining the court proceedings in some detail. In 1995 an American company called Myriad Genetics Inc. filed a patent application with IP Australia. They claimed their 'invention' related to 'methods and materials used to isolate and detect a human breast and ovarian cancer predisposing gene'. They faced no opposition, and the patent was sealed in June, 1998. Myriad entered into a licence arrangement with Gene Technology Ltd in Australia to provide BRCA1 testing for Australian women. A very brave cancer survivor, Yvonne D'Arcy, together with a cancer support organisation, Cancer Voices Australia, commenced proceedings in the Federal Court of Australia to challenge the validity of Myriad's patent. At the same time similar proceedings were occurring in the United States challenging the patent that Myriad had already obtained there. On 5 September this year the full Federal Court in Australia handed down their decision. The joint judgement, in upholding the lower court decision to allow the patent, said:

In Australia, there is no statutory or jurisprudential limitation of patentability to exclude 'products of nature'. To the contrary, the High Court has specifically rejected such an approach.
The court judgement made it very clear that if for 'policy or moral or social reasons', patents for gene sequences should be excluded from patentability, then that is a matter for parliament to decide.

In contrast, the proceedings in the United States, another common law jurisdiction, ruled that the patent there was invalid. The danger of such patents being allowed is that the owners of the patent are in complete control of access to the naturally occurring gene sequence. Delays in research and inflated costs for people requiring the testing may follow. This is the very situation that Schedule 1 of Labor's 2013 bill was intended to correct. Women who have this gene have an 87 per cent risk of breast cancer and a 44 per cent risk of ovarian cancer. When the die are loaded like this, parliamentary intervention is a delicate balancing act. Detection of the gene will allow women carrying it to monitor their health or take preventative measures, such as the actor and UN advocate Angelina Jolie chose to do. In light of the recent decision of the full Federal Court and without Schedule 1 of the 2013 bill, Australian women have no guarantee that there will be ready access to this lifesaving testing.

The Cancer Council, commenting on Schedule 1 in the Labor bill of 2013, said:

New safeguards announced by the Federal Government will help to protect consumers from commercial monopolies over vital services such as genetic testing for cancer risk.

In the same media release Cancer Council Australia CEO Professor Ian Olver said that he welcomed a bill that would clarify the application of Crown use provisions. He gave an example:

Back in 2008, the commercial licensee for patents on the BRCA1 and BRCA2 breast and ovarian cancer genes sought to enforce its patent claims over the state and territory laboratories that were providing those tests as a public service. While the company eventually withdrew its claim, there was uncertainty at the time over Crown use provisions or any other legal mechanism that might have been able to protect Australian women from a potential monopoly over the genes and the tests.

It is chilling that an attempt has already been made to limit the availability of this lifesaving testing to Australian women.

I understand that private research must be funded via product sales, but this strategy is drifting into very dangerous territory. The Cancer Council is not a lone voice in raising concerns about the patenting of genes. Specialist cancer support services, such as the Peter MacCallum Centre, have said their research into BRCA1 and BRCA2 diagnostics has been delayed by more than two years and the cost has increased by 300 per cent because of patents over the BRCA1 and BRCA2 genes. How many lives were lost because of that delay? Nobel laureate Professor Sir John Sulston, the director of the UK's Human Genome Project, has said that patents on human genes would restrict access to treatments and inhibit research. In 2009 Professor Ian Frazer, the inventor of the cervical cancer vaccine, wrote an article in *The Australian*. He argued that:

… if we allow patenting of genes we're allowing patenting of ourselves.

He said then that 'it is crucial we address this issue now. Mary-Claire King, the geneticist responsible for isolating the BRCA1 gene, says she is delighted by the US Supreme Court ruling that makes it illegal to patent it.

Nevertheless, the schedule missing in this coalition legislation screams a missed opportunity. It is clear that the government is not listening to the Cancer Council, the
specialist cancer support services or the scientists who develop this lifesaving technology. Who is the government listening to? Sadly, the government is once again putting the profits of big business ahead of the health of everyday, ordinary Australians. As a lawyer, I am particularly concerned that these vital protections have not been included in the current bill, especially with the current state of patent laws in Australia. As a husband, father, son and brother, I am deeply concerned that Australians, and especially Australian women, will be unable to access lifesaving testing procedures necessary to make crucial decisions about their health.

As I said at the start, Labor does support the current bill and the measures that it does contain are important ones—actually proposed by Labor in 2013. Proposing an amendment now to address the Crown use concerns would delay the balance of the bill and the value it delivers to Australian people. While I am deeply concerned by the government's neglect, I am hopeful that the Senate will address this issue and save this government from its own incompetence yet again—and ain't that a full-time job for the current Australian Senate in the 44th Parliament.

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry) (20:14):
I would like to thank my colleagues in this House for their very wide-ranging contributions to this debate, many of the contributions of course not focusing on the bill before them at this point in time, the Intellectual Property Laws Amendment Bill 2014. I would also like to thank the New Zealand government—in particular, the Ministry of Business, Innovation and Employment, and the Intellectual Property Office of New Zealand—for its cooperation in the development of the trans-Tasman provisions of this bill. I would also like to thank the many industry stakeholders who contributed to the development of this bill. The proposed legislation has been the subject of extensive consultation over recent years.

The proposed legislation will reduce a number of barriers and regulatory costs for Australian businesses using the intellectual property system. Introducing a trans-Tasman patent attorney regime, and patent application and examination process will reduce costs for businesses operating in both countries. Implementing the TRIPS protocol will allow Australian manufacturers of generic pharmaceuticals to provide assistance to developing countries. The Howard government accepted the terms of the protocol in 2007, and the Abbott government is now delivering on this important change. Enabling the owners of plant breeders rights to use the Federal Circuit Court will give them faster and, in particular, a more cost-effective way to protect their rights. Repealing unnecessary provisions on the storage of documents will reduce warehousing costs and increase efficiencies. This bill is designed to reduce red tape, which has been one of the hallmarks of this coalition government.

I would like to respond to a few of the points that have been raised by my colleagues in this House. As pointed out by many members of the opposition, in 2013 the former Labor government attempted to make changes to Crown use provisions of the Patents Act 1990. I understand these changes were in response to recommendations made by the Productivity Commission following its inquiry into compulsory licensing. At the time these amendments were introduced into the parliament on 30 May last year, just three days after the Productivity Commission had publicly released its final report, it was readily apparent to anyone that the Labor government had not adequately considered or consulted on these measures. Things like this should not be rushed through the parliament. You need to take people on the journey with
you—politicians, professionals and industry alike. Both industry stakeholders and members of parliament were concerned that the amendments were rushed and lacked detailed consideration, and thankfully these changes were not passed by the parliament. I acknowledge how important the Crown use provisions are. The government has not progressed any related amendments at this stage as further detailed consideration and consultation is necessary.

I note that the member for Melbourne has an amendment that he intends to put in relation to bringing Crown use provisions as part of this bill. But, again, where has the consultation been? This is a rushed effort. The first we have heard about this intention was tonight. I introduced this bill months and months ago and the member for Melbourne could have come and seen me if it was so important and discussed it, and perhaps some stakeholder engagement could have been undertaken, rather than being ambushed on the night that the bill was being finally summed up.

One of the key considerations in relation to all this is the Myriad case. The Myriad case is in a position at this point in time where there has been leave sought to appeal to the High Court, and we need to wait for that decision. That decision will come down sometime in the New Year. We do not want to pre-empt that decision. We want to have that finding and understand exactly where it is at. As I said, this bill was never intended to address the issue of the gene patents debate. Many speaking on this bill have raised it, but it was never intended or designed to address the gene patents debate.

Deputy Speaker Kelly, as you would be aware, in September this year the full bench of the Federal Court of Australia released its decision in the D'Arcy v Myriad Genetics Inc. case. Shortly after, the application for special leave to appeal this decision was lodged with the High Court. The decision of the full Federal Court that isolated gene sequences are patentable affirmed the existing practice in Australia of granting patents for biological materials which are new, inventive and useful. I want to be very, very clear here that genes in their natural state in the human body are not—never have been—patentable in Australia. Most of our major trading partners share the same approach to allowing these gene patents: Europe, Canada, New Zealand, Japan, China and Korea all grant patents for isolated gene sequences. The United States is out of step with many other developed countries because of a decision by the United States Supreme Court back in 2013 that found that isolated gene sequences were not patent eligible.

Let me be clear here also: the US law is no way binding upon Australian law. Let me restate that for the record: US law is no way binding upon Australian law. The United States is still coming to grips with that 2013 decision and it is not clear what impact it will have on investment in the biotechnology and medical sectors.

The Australian government has always been conscious of balancing the needs of innovators whilst upholding the competitiveness of the Australian research and development industry. As I said, the government is considering the implications of the full Federal Court decision. However, until such time as we know the outcome of the High Court leave application, any legislative amendments in relation to gene patents would simply be premature and, as I said, are not a part of this bill.

To conclude, the intellectual property system is vital to the strength of Australia's economy because it encourages invention and investment in new technologies, products and markets. This bill helps to ensure that we have an efficient and streamlined intellectual property
system. It is an important step forward in reducing the red tape and regulatory costs for Australian businesses, and that is what is critically important. I commend this bill in its original form to the House.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr BANDT (Melbourne) (20:23): by leave—I move amendments (1) and (2), as circulated in my name, together:

(1) Clause 2, page 2 (after table item 3), insert:

3A. Schedule 2A The 28th day after this Act receives the Royal Assent.

(2) Page 22 (after line 12), after Schedule 2, insert:

Schedule 2A—Crown use

Patents Act 1990

1 Section 3 (list of definitions)

Insert "services".

2 At the end of section 163

Add:

(4) Without limiting subsection (1), the exploitation of an invention by or for the Commonwealth is taken to be for the services of the Commonwealth if the following process is followed:

(a) the Minister considers that the Commonwealth has tried for a reasonable period, but without success, to obtain from the nominated person or patentee, an authorisation to work the invention on reasonable terms;

(b) the Minister approves the proposed exploitation by instrument;

(c) at least 14 days before the exploitation starts, the Minister gives the nominated person or patentee:

(i) a copy of the instrument of approval; and

(ii) a copy of the statement of reasons for approving the exploitation.

Note: Section 25D of the Acts Interpretation Act 1901 sets out rules about the content of a statement of reasons.

(5) Without limiting subsection (1), the exploitation of an invention by or for a State is taken to be for the services of the State if the following process is followed:

(a) the Attorney-General of the State considers that the State has tried for a reasonable period, but without success, to obtain from the nominated person or patentee, an authorisation to work the invention on reasonable terms;

(b) the Attorney-General approves the proposed exploitation by instrument;

(c) at least 14 days before the exploitation starts, the Attorney-General gives the nominated person or patentee:

(i) a copy of the instrument of approval; and
(ii) a copy of the statement of reasons for approving the exploitation.

Note: Section 25D of the Acts Interpretation Act 1901 sets out rules about the content of a statement of reasons.

(6) In this section:

 services:

(a) in relation to the exploitation of an invention by or for the Commonwealth, includes:

(i) a service that is primarily provided or funded by the Commonwealth; or

(ii) a service that is primarily provided or funded by the Commonwealth and one or more of the States; or

(iii) research that is primarily funded by the Commonwealth; or

(iv) research that is primarily funded by the Commonwealth and one or more of the States; and

(b) in relation to the exploitation of an invention by or for a State, includes:

(i) a service that is primarily provided or funded by the State; or

(ii) a service that is primarily provided or funded by the State and one or more of the other States or the Commonwealth; or

(iii) research that is primarily funded by the State; or

(iv) research that is primarily funded by the State and one or more of the other States or the Commonwealth.

3 Schedule 1

Insert:

 services has the meaning given by subsection 163(6).

4 Application

The amendments made by this Schedule apply in relation to the exploitation of an invention by the Commonwealth or a State that starts, or is proposed to start, on or after the day this item commences.

5 Transitional—negotiations

If, before the commencement of this Schedule, the Commonwealth or a State has tried for a period, but without success, to obtain from a nominated person or patentee, an authorisation to work an invention on reasonable terms:

(a) in the case of the Commonwealth—the Minister must take that period into account in considering whether paragraph 163(4)(a) of the amended Act is satisfied in relation to the exploration of the invention; and

(b) in the case of the State—the Attorney-General of the State must take that period into account in considering whether paragraph 163(5)(a) of the amended Act is satisfied in relation to the exploration of the invention.

In my speech on the second reading I canvassed the reasons for these amendments, so I will not go into them again in detail.

The point is simply this. These amendments are not about whether or not the human genome or parts of the genome are patentable. These amendments arise out of extensive Senate and other inquiries into this legislation and other attempts to amend this legislation. It addresses both the issue that patients have raised about the difficulty of accessing crown-use provisions and getting ministers to make decisions, and the issue that companies have raised about how they sometimes feel that the capacity for crown-use provisions to be exercised can
work against them commercially. Without altering the crown-use provisions in the act, the amendments set out a process whereby people, such as the patients who commence proceedings that are now potentially ending up in the High Court, as the minister referred to, as well as anyone else, in the future now have a known process for approaching the minister and the minister has a process for determining whether or not to exercise the crown-use provisions, because, as has been heard, complaints have been raised from both sides.

Because those provisions are so infrequently used, neither side feels that they are being properly exercised or that their concerns are being properly addressed. So these are sensible amendments that also attempt to ensure that within the definition of services there is some clarity about the definition of services, and that it includes research that is primarily funded by the Commonwealth, so that the Commonwealth is in a position to ensure that there is no limit on research that is conducted in this country and that innovation is encouraged.

For those reasons and the reasons I have expanded upon in my second reading contribution I commend these amendments to the House.

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry) (20:25):
We will not accept these amendments on this basis. There is no consultation. The reason they were rejected in the original bill was a lack of consultation with industry in particular. If you want a bill like this to succeed, the member for Melbourne should perhaps detail to the House how much industry consultation he has actually performed before moving this amendment.

I think it is incumbent on people when they move amendments that they do it on a basis of fact and engagement with stakeholders so that there is some substantial effort and understanding of what they are trying to achieve. I am not saying that crown-use provisions are bad. But as was outlined when the bill was originally introduced by the former government, there had not been enough stakeholder engagement. There was a negative reaction from industry that needed to be overcome. Through the processes of time, we will look at crown-use provisions into the future, but not just now.

This is rushed. The first I heard about an intention to move these amendments was here tonight when I walked into the chamber. I would have thought that if you wanted to get an amendment like this up, rather than do a bit of grandstanding, one might have come and seen the government and put forward the case, the need and the reason. So we will be rejecting these amendments.

Question negatived.

Bill agreed to.

Third Reading

Mr BALDWIN (Paterson—Parliamentary Secretary to the Minister for Industry) (20:28):
by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.
COMMITTEES
Intelligence and Security Committee

Membership

The DEPUTY SPEAKER (Mrs Griggs) (20:28): I have received letters from the Hon. the Deputy Leader of the Opposition, Ms Plibersek, and the honourable member for Maranoa, Mr Scott, resigning their positions on the Parliamentary Joint Committee On Intelligence and Security.

BILLS

Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014
Explanatory Memorandum

Mr TUDGE (Aston—Parliamentary Secretary to the Prime Minister) (20:28): I present a replacement explanatory memorandum for the Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Bill 2014.

BUSINESS

Rearrangement

Mr TUDGE (Aston—Parliamentary Secretary to the Prime Minister) (20:29): I move:

That business intervening before order of the day No. 10, government business, be postponed until a later hour this day.

Question agreed to.

BILLS

Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014
Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr BRENDAN O'CONNOR (Gorton) (20:29): I rise to oppose the Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014. This bill, if enacted, will directly and indirectly risk the workplace health and safety of Australian workers. It will also remove the rights of Australian workers to fair and reasonable cover when they suffer the misfortune of a work related illness or injury. The coalition, I contend, did not consult regarding these changes and these changes were not flagged by the coalition prior to it gaining government. This bill did not form any part of their election policy, therefore there is no mandate for this bill. This bill has no sound policy justification whatsoever. In fact, it undermines all the existing workers compensation schemes in Australia. This is an ill-conceived bill that ignores the founding principles of Australian workers compensation schemes and why they were established in the first place.

The main purpose of any workers compensation scheme is to prevent work related illness and injury from occurring in the first place. The secondary purpose is to provide adequate benefits to assist and compensate those workers who are unfortunately injured or ill as a result.
of their work. This bill does the opposite. As a consequence of the proposed legislation there will be workers—who want nothing more than to earn a dignified living—who will in future bear the full brunt of work injuries for life without any assistance from a workers compensation scheme. We will see an unequal and unfair system where two employees—working side-by-side, with different employers—who suffer similar injuries will have different workers compensation rights and different health and safety standards applied to them. The worker who is covered by Comcare will have less rights and less health and safety oversight and protection.

The proposed legislation takes away the rights of injured workers and then provides that companies, on a national basis, should be allowed to exit state workers compensation schemes—to stop paying premiums to state schemes and instead to self-insure and pay licence fees to Comcare. Some companies may be enticed by the chance to save money, with further savings to be had from a further step proposed by the bill: namely, to remove the jurisdiction of the states to regulate health and safety in relation to any Comcare licensee. Workers compensation schemes, however, are designed to provide a safety net for workers injured in workplace accidents, not as a business model to reduce costs for employers.

The government argues this bill might, if enacted, save a bit of money. However, the opposite is true: it will create huge costs by effectively creating high-risk gaps in health and safety monitoring in this country. If the government has any support for this bill, it seems the supporters have gone very quiet. On the other hand, opponents of the bill come from across the country and have been remarkably open in expressing their views. The opponents of the bill have clearly articulated the negative consequences of this bill and warned of the risks associated with the national expansion of the Comcare scheme. This is a government that does not listen, not even to their own conservative state and territory counterparts—their own mates; indeed, Deputy Speaker Griggs, they do not even listen to the government of the state in which you reside.

It is important that all members of this place, including coalition members, are aware of the problem this legislation would create. They should listen to the following critique. In a submission to the recent Senate inquiry on this bill, the Queensland government said it has:

... the potential to lead to increased red tape, increased costs and reduced productivity resulting from duplication and overlap in the regulation of work health and safety arrangements.

The Queensland government's own submission goes on to say:

... small businesses may not be in a position to absorb premium fluctuations from a reduced premium pool.

The Queensland government's submission also raises concerns about the enforcement of work health and safety laws, particularly in high-risk industries such as mining, where Comcare has no history or expertise in regulating the sector. I remind the House: this is the Campbell Newman-led Queensland government. The Queensland government, however, is not alone in being ignored by the Abbott government when raising the very significant consequences of the bill—significant consequences not just for workers but for small- to medium-sized businesses too. I wonder whether the Minister for Small Business had a decent look at this bill; it would appear not. An extract of the submission on the bill by the Northern Territory government to the Senate inquiry says the following:
It is difficult to estimate how many employers would pursue an option to participate in the Comcare scheme but the potential consequence could be:

- withdrawal of insurers;
- loss of competition;
- increased premiums for employers;
- loss of jobs for insurance industry workers;
- loss of employment and career opportunities;
- impact on other businesses who supply services; and
- the loss of an NT based claim service for injured workers.

Why would the coalition ignore the clearly articulated and very serious policy concerns put forward from so many parts of Australia, including state and Territory governments and conservative governments? It is because, in many ways, this proposed legislation demonstrates what the coalition stands for. This legislation strikes a blow to potentially all Australian workers, and it hits the most vulnerable and the disadvantaged the hardest. The blow really its mark when a worker is injured.

It has become increasingly apparent that taking away vital support and protection for vulnerable and injured workers is what the coalition represents. Indeed, we have seen this assault on vulnerable Australians before; we saw it writ large when the Treasurer sought to hand down a budget. Currently, if I can return to the bill, workers under a state scheme who are injured during recess or who have undertaken an abnormal risk of injury or who have died or become permanently incapacitated and are alleged to be at fault for the accident would receive (1) the ongoing payment of the reasonable cost of medical treatment, (2) income replacement for periods of incapacity for work, (3) payment of a lump sum for permanent impairment, (4) support to participate in rehabilitation programs, (5) in the case of a tragic loss of life, death benefits for dependent family and (6) access to the common law in cases of employer negligence. If an injured worker were to come under Comcare in future, if this bill were enacted, they would be denied all of these things that I have just outlined. In aid of a meagre saving for big companies, injured workers and their families will bear inestimable financial and emotional costs and hardship by being excluded from workers' compensation benefits.

There are three new additional exclusionary provisions in the proposed legislation, which would not just leave sick and injured working Australians and their families worse off but would drive them into poverty—seemingly something the Abbott government is insistent on doing to all disadvantaged groups in our country. I will take each of the proposed exclusionary provisions and explain why Labor opposes them and why we believe the Senate should oppose them too. The first is off-site recess breaks. This bill proposes the reintroduction of an exclusion from eligibility for compensation during recess breaks. The current act provides that an employee is covered if temporarily absent from work during an ordinary recess. This new bill proposes to repeal this protection and instead to reinsert a new clause modelled on the Howard government provisions. The government in its explanatory memorandum cites the South Australian scheme in support of the removal of recess break coverage, which coincidentally is perhaps the only workers' compensation scheme in the country that is currently challenged financially, more so than even Comcare. The government
fails to mention that all other major Australian workers' compensation schemes—New South Wales, Victoria, Queensland and Western Australia—provide cover for off-site recess breaks. In fact, all Australian workers' compensation schemes currently cover injuries during recess breaks except for South Australia. When the Safety, Rehabilitation and Compensation Act was first enacted in 1988 by the then Hawke Labor government, establishing the current Comcare scheme, it provided compensation for workers who were temporarily absent from their place of employment during an ordinary recess.

In 2007, under John Howard's loathed and thoroughly repudiated Work Choices regime, off-site recess claims were removed from the scheme. In 2011, Labor was able to restore this protection to provide coverage to injured workers under Comcare on a similar footing as provided to the vast majority of the Australian workforce. Unfortunately, in line with what this government stands for, the bill now proposes to again remove off-site recess break cover from Comcare—yet another way in which this government seeks to turn its back on Australian workers, make them more vulnerable and indeed look for the lowest common denominator when it comes to affording protection to the Australian workforce. The regulation impact statement tabled with the bill states that this may save Comcare licensees $850,000 per annum. It appears savings would be spread across 31 licensees, including some of Australia's richest corporations—Telstra, Optus, the Commonwealth Bank and so on.

What the government will not tell you, and what they do not want you to know, is that these savings for these companies will be directly paid for by injured workers who will no longer be protected. To justify this unfair measure the minister in his explanatory memorandum has provided a misleading 'illustrative example' designed to provoke sympathy for the removal of off-site recess cover. This example is so out of touch it is bizarre—a mythical construction worker who goes surfing at lunchtime and gets injured. This is just to suit the government's conclusion and is not the real experience of Australian tradespeople, police or nurses, let alone construction workers on a 30- or 45-minute lunch break.

The second provision I refer to is the exclusion of deceased and the seriously and permanently impaired workers as result of wilful misconduct. This provision is truly appalling. This change would see the removal of protection and compensation in cases of 'death or serious and permanent impairment' in cases where 'wilful misconduct' may be alleged. This is perhaps the most gratuitously nasty proposal in the bill because the government acknowledge negligible savings from this measure in its regulation impact statement. There are no individuals, I would contend, no organisations that we know of, that have called for this change. It is just the Abbott government's own thought bubble—a very nasty provision if enacted. To quote from the regulation impact statement:

The potential impact of this amendment in cost savings to licensees and premium payers in claim costs or premiums is expected to be negligible as the cases under this provision are rare. Rare they may be, but the consequences for those involved if those allegations were to be accepted as possible or fact could be devastating. It is already the case that most jurisdictions have exclusionary provisions that set out circumstances in which workers' compensation will be denied for physical injuries. An injury or disease that is solely attributed to serious and wilful misconduct or is deliberately or wilfully self-inflicted are typical exclusionary provisions in most schemes. However, in the case of death or significant/serious and permanent incapacity, Australian workers' compensation schemes have for more than a
century made an exception in cases of deceased workers and significantly and permanently incapacitated workers and provided them and their families with protection. Currently, all Australian workers' compensation schemes provide benefits to deceased and seriously and permanently impaired workers irrespective of serious and wilful misconduct—alleged or real.

The Law Council of Australia in its presentation to the Senate inquiry on 20 June this year provided this historical point of significant when they said:

That [this] provision has in fact been a feature of the Commonwealth compensation laws right back to the first … Commonwealth Compensation Act 1912—Section 4(2) (b) of that Act.

The evidence of the Law Council continues:

We think there is great value in consistency when it has in fact been the [current] policy of the Commonwealth and remains the policy of every other jurisdiction.

Amendment of this provision also contradicts the purpose of the Safety, Rehabilitation and Compensation Act, being a no-fault workers compensation scheme. If the bill proceeds, Comcare will be the only workers compensation scheme in Australia to exclude deceased and seriously incapacitated workers from receiving assistance.

The third new exclusionary provision in this bill is 'voluntary assumption of abnormal risk'. Currently under Comcare, a worker who 'voluntarily and unreasonably submits to an abnormal risk of injury' will be denied compensation if the injury is suffered during an ordinary recess—that is, in circumstances where they have not sustained the injuries whilst undertaking their usual employment duties. This legislation proposes that an exclusion from compensation should apply when the worker is at their usual place of employment during their usual working hours. The government's explanatory memorandum and regulation impact statement do not explain the rationale for this measure or estimate savings.

This change is being proposed with so little explanation, it is almost as if the government were hoping that the parliament wouldn't notice. What is or is not a voluntary assumption of abnormal risk when undertaking work duties would, if this bill is enacted, be the subject of endless and costly dispute. There is no protection for vulnerable workers who are asked or directed to do dangerous tasks by their co-workers or for the young worker or the older worker afraid of losing their job. There is also no protection for people in hazardous professions—for police, for nurses, for workers who respond throughout the day and are exposed to risk but must perform tasks to ensure the health, safety and wellbeing of others.

Labor agrees that the Comcare scheme is in need of reform. We need to make the scheme fairer for the injured workers it was designed to protect. However, this bill is not reform, it is a series of exclusions from compensation that will make Comcare an anomaly in Australia for the harsh and unjust way that it would treat injured and deceased workers. If the coalition has its way, if this bill is enacted, many workers will no longer have any support from the Commonwealth workers compensation scheme, support of a kind that has existed for workers in this country since the Commonwealth Workmen's Compensation Act 1912.

A further concern that Labor has with this bill is the proposed national expansion of Comcare. Comcare, I would contend, is not equipped or designed to cope with the expansion that is being proposed by the Abbott government. With only 44 health and safety inspectors to cover the breadth of the nation, Comcare does not have the regulatory capacity to cope with an increase in licensees.
We know there are all types of costs associated with making public policy, but the government, by bowing to the economic interests of big business in this instance, has not considered the economic impacts of injury, disability and death in this legislation. It is of great importance to people in this place who care about good policy and good and co-operative Commonwealth-state relations that this bill should not pass. These proposed changes will undermine the financial viability of state and territory workers compensation schemes, with the rising costs of those schemes falling to employers—mainly the small to medium sized businesses that remain in them.

The coalition, in its search for the love of big business, is ignoring the cost of opening up the Comcare scheme upon small to medium sized businesses. They like to call themselves the government for small business. Well, if enacted, this bill would hurt small business. The reduced premium pool in state workers compensation systems means increasing premiums for remaining businesses in those schemes and will put pressure on workers' entitlements.

The businesses left behind will be small to medium sized businesses, mum and dad businesses that do not have the time to apply for a self-insurance licence. Those covered by state workers compensation schemes will be disadvantaged by a loss of critical rights under the Comcare scheme, particularly the lack of common law protection. Their benefits will also be calculated through a scheme that is based around risks of injury that occur in non-blue collar industries.

Employers who choose Comcare will not have to comply with state health and safety laws, including specialised arrangements in high-risk industries such as the mining industry. The proposed amendments abolish the jurisdiction of state health and safety regulators in relation to Comcare self-insurers that obtain a licence under the Commonwealth act. Can the government assure Australians that workplaces will be as safe as they are now if this bill passes? They cannot. State based schemes each have hundreds of inspectors working to ensure workplaces meet safety requirements; Comcare has 44 inspectors nationwide. Compliance obligations under Comcare are weaker than the state systems, Comcare offers lower payments to injured workers and Comcare's capacity to inspect workplaces and enforce laws will reduce further as more businesses gain coverage.

Labor is concerned that Comcare could be open to abuse by employers whose business is in one state or territory because the definition of 'national employer' does not specify a minimum number of employees required in a particular Australian jurisdiction. For example, a company whose location is in Queensland but who offers a Sydney office with one employee would be determined as a national employer. Self-insurance will be open to abuse by employers who do not wish to assist injured members of their workforce as Comcare is not equipped to monitor performance or hold self-insurers to account on a national scale if they do not meet obligations to assist injured workers to return to work. What is also concerning for workers is that an employer moving to Comcare automatically removes from their workers the rights provided by state jurisdictions. Most workers are not likely to learn they have lost rights until they are injured.

In conclusion, Labor will not support this bill because, if enacted, it will create confusion, anomalies and unfairness. The bill will cause injured workers to lose rights and benefits they would otherwise receive under state schemes. The bill will weaken and create gaps in health and safety protection. The bill re-introduces three unfair and unnecessary exclusions to
injured workers accessing workers' compensation. On the government's own analysis, any savings the bill will offer for business are small at best. In comparison to the price that would be paid by injured workers and their families if the bill was to pass, the savings are next to nothing. Labor opposes the bill.

**Mrs McNAMARA (Dobell)** (20:52): I rise to support the Safety, Rehabilitation and Compensation Legislation Amendment Bill 2014. The bill implements a range of measures in line with the government's red-tape reduction program to reduce the cost of the regulatory burden on business. This government is committed to reducing red tape, thereby increasing productivity for Australian business. As part of the red-tape reduction program, the government is expanding the Commonwealth workers compensation and work, health and safety scheme, Comcare, to national employers meeting self-insurance criteria. The recommendations enacted by the bill anticipate a total reduction of regulatory burden for eligible corporations transferring to the Comcare scheme averaging $35 million each year over the next 10 years.

The bill implements recommendations in line with the 2013 Hanks review of the Safety Rehabilitation and Compensation Act 1988, which governs the Comcare scheme. The SRC Act establishes the statutory framework for workers compensation in the Commonwealth jurisdiction and for eligible corporations to self-insure under the scheme. The bill seeks to amend the SRC Act and the Work, Health and Safety Act 2011, inter alia, to expand the eligibility of corporations to self-insure through Comcare. The amendments remove the requirement for the minister to declare a corporation to be eligible to be granted a licence for self-insurance, while maintaining the ability for the minister to issue directions to the Safety, Rehabilitation and Compensation Commission. This will streamline the current two-stage approval process; remove the outdated requirement that a corporation must be in competition with a Commonwealth authority or a former Commonwealth authority to make application to self-insure under the Comcare scheme; broaden the range of eligible corporations to self-insure under the Comcare scheme to 'national employers', which is defined as an employer that is required to meet workers compensation obligations under the laws of two or more jurisdictions; enable the commission to grant group licences to related corporations; extend the coverage provisions of the WHS Act to those corporations that obtain a licence to self-insure under the act; and exclude access to workers compensation where injuries occur during recess breaks away from an employer's premises or where a person engages in serious and wilful misconduct, even if the injury results in death or serious and permanent impairment.

Prior to 2007, certain employers had the option to self-insure for workers compensation coverage through the Commonwealth's Comcare scheme. In December 2007, the Rudd Labor government imposed a moratorium on new entrants to self-insure under Comcare. This was despite evidence from the Productivity Commission's 2004 inquiry into national workers compensation and occupational health and safety frameworks, which found that the cost for multistate employers insuring with multiple compensation schemes was considerable. The moratorium was announced subject to a wide-ranging review of the Comcare scheme by the federal government in consultation with the various state and territory governments and employer and employee groups. In 2008 this review produced 19 recommendations from the Department of Education, Employment and Workplace Relations. The review also included a report by Taylor Fry actuaries and included consideration of the Productivity Commission's
2004 report. In 2009, the Labor government announced a number of changes, including a continuation of the moratorium and, contrary to DEEWR’s recommendation, reinstated compensation for off-site recess breaks. Two key recommendations that the government of the time ignored were eligibility to self-insure under Comcare and journey claims. The Hanks review of the SRC Act, released in March 2013, included over 100 recommendations for substantial changes to the scheme, including the lifting of the moratorium. On 2 December 2013, the coalition government lifted the moratorium.

Self-insurance allows an employer to underwrite their own risk. Self-insurers are responsible for the payment of their claim liabilities and for the management of those claims. Self-insurance relieves an employer from accepting a workers compensation policy under respective workers compensation jurisdictional schemes. The bill introduces the concept of a national employer test. This test will provide corporations operating in two or more states or territories the opportunity to be a national employer under the Comcare scheme. Such a corporation, assuming that it satisfies requirements within the act, will be able to obtain a self-insurance licence, bringing all of its employees under a single workers compensation jurisdiction. The SRCC will still determine eligibility for a corporation to become a self-insurer. Concurrent amendments to the WHS Act ensure that the corporation's employees are also brought under a single work, health and safety scheme.

The 2004 Productivity Commission inquiry found that multistate employers faced increased costs of compliance, sometimes amounting to millions of dollars a year, as a result of workers compensation coverage and work, health and safety obligations in multiple jurisdictions. The amendments in the bill are important productivity reforms which are critical for multistate employers. They will provide these employers with the option of continuing to operate under multilayered workers compensation and work, health and safety regimes or to apply to have one set of national arrangements. Multistate employers have always faced challenges in regard to determining correct workers compensation coverage, particularly in determining the state of connection. The lack of national consensus when it comes to state of connection continues to present confusion and uncertainty for these employers. The option for corporations currently covered by workers compensation systems in two or more states or territories to apply to join the Comcare scheme removes this uncertainty. There are significant advantages in being able to operate within one workers compensation framework. Foremost, savings in regard to compliance are likely to be a significant motivation for self-insuring in the Comcare environment, as opposed to self-insuring in multiple jurisdictions. The costs of complying with up to eight separate regulatory frameworks is a significant burden, particularly as each regulator imposes its own set of licensing criteria, reporting arrangements and standards. Corporations self-insuring in multiple jurisdictions are required to comply with prudential requirements as specified by each jurisdiction in which they self-insure. This involves considerable cost replications in meeting financial capability requirements, bank guarantees, security deposits and reinsurance policies to secure claims liabilities. For example, each bank guarantee requires a separate actuarial report with different requirements set by each jurisdiction, and there are numerous differences within jurisdictions in taking out a reinsurance policy. In their submission to the 2004 Productivity Commission inquiry—

(Time expired)

Debate interrupted.
ADJOURNMENT

The SPEAKER (21:00): I propose the question:

That the House do now adjourn.

New South Wales: Environment

Mr CONROY (Charlton) (21:00): The Newcastle Herald, in conjunction with Macquarie University, has recently conducted lead-level testing in and around homes near the old lead smelter in Boolaroo—130 soil and vacuum cleaner dust samples were taken from homes, parks, sporting fields and schools in the suburbs of Boolaroo, Speers Point, Argenton and Teralba. They found more than half of the public spaces and all but one of the 19 homes tested recorded higher than acceptable lead levels. For example, a sample from an oval in Speers Point contained 17,500 parts per million of lead, almost 300 per cent above the safe level. Two soil samples from Boolaroo Public School's playground exceeded the Australian standard by 300 per cent, and a sample taken outside Speers Point Public School was eight times over the limit.

Obviously, this is cause for concern for those living in the immediate vicinity, but it is also an issue for the broader Lake Macquarie region as we continue to deal with the environmental legacy of our industrial past. The Cockle Creek lead smelter was in operation for over 100 years, and the surrounding township was born from the employment the 'sulphide corporation' offered. But, of course, throughout its life span, the smelter also emitted hundreds of tonnes of pollution. It produced an abundance of sulphide slag which was used as a landscaping material across the region, and it discharged effluent into Cockle Creek which flowed into Lake Macquarie.

There is no known safe level of lead exposure, but we do know that the impact of lead toxicity is particularly harmful for young children. Our understanding of the health impacts of this kind of pollution have developed over recent decades. So, too, have measures to prevent or respond to the threat posed to nearby communities by the smelter and its operations. These include: blood testing of employees and, later, children in the area; the creation of a buffer zone around the smelter and the acquisition of a number of properties within it; and targeted remediation in homes where children were found to have excessively high blood lead levels, such as recarpeting, soil works and dust extraction from ceiling cavities.

However, it is the success of the most recent works that are called into question by the Newcastle Herald's study. In 2002, the Environmental Protection Agency issued a remediation order on then smelter owners Pasminco. Their response was a remediation action plan which included the collection of slag materials and for contaminated soils to be housed in a buried cell on site. A lead abatement strategy was also put in place which gave nearby home owners the option of soil removal and top dressing in order to lower lead levels. However, unlike the old plant site, removal of soil to the depth of contamination was not a requirement.

Both projects are now complete. Residential land on the former smelter site is now selling and the commercial zone is developing. Major road works, also provided by the administrator, are nearing completion. But, as the Newcastle Herald's report suggests, if the remediation works have failed or have caused higher lead levels in surrounding areas, it must be addressed immediately.
The New South Wales government, through the EPA, is obliged to ensure the conditions of its remediation order are adhered to. It is not appropriate to expect an administrator, whose main role is to seek outcomes for creditors, to ensure the community's safety. It is likewise not appropriate to expect a newspaper and a university to monitor the effectiveness of a major project such as this. Putting aside the limited resources of both, it is a basic tenet of our democracy to expect government to have the capability and the motivation to conduct the most thorough assessments when it comes to our environment and public health.

If further testing of lead levels is required, this must be done immediately. If reduction works are required, a plan must be put in place without delay. Whilst details are limited at this stage, the announcement of further blood testing for children in the area is welcome, and I await those results. If there is cause for the establishment of a fund to deal with the contamination, I will be the first to lead the charge to ensure the government responds accordingly. If there are changes to federal government legislation required to help in this case or to avoid a repeat of this case, I will be at the forefront of a campaign for those. But the first step is a thorough assessment, performed by the body established to do precisely that—and I call on the New South Wales government to respond in this way immediately.

Governments are now aware of the liability issues around lead smelters and other polluting industries, but this was not the case in the past. We must ensure that, on the one hand, governments of all levels learn from these incidents and impose thorough restrictions when assessing the viability of a development, existing or proposed. But we must ensure that the validity of these decisions cannot be undermined by the lack of one very simple principle: what is in the best interest of the community.

Budget

Mr CRAIG KELLY (Hughes) (21:05): Tonight I would like to talk about the complete disconnect for anyone following parliament today and listening to speeches from members of the opposition or reading much of our media between the economic realities that this country faces and what is being espoused on the other side of this chamber. If we go back six years—that is not that long ago—the Commonwealth government was receiving $1 billion into the Treasury every year in interest on the money that the Howard and Costello government put away after paying off Labor's debt, plus interest. We then had six years of deficit after deficit. We as the incoming coalition government faced an interest bill and interest liability this year of $13.5 billion. That is $13.5 billion that this coalition government must find to pay the interest. That is not paying one cent of the principal. That is the interest only on the six years of Labor's debt.

Often $13.5 billion can seem an abstract amount. If we break that down, it works out at $570 for every man, woman and child in the country. That is the additional cost that they must pay for six years of Labor deficits.

Many of us go out doorknocking; we go from house to house. The average household in my electorate is a household of four people. For every household of four in the country, we need to come up with $2,280 just to pay the interest. Each month it is a total of $1.125 billion. Each week $260 million must come out of taxpayers' pockets to pay the interest on the debt of six years of Labor's waste. It is $37 million a day. For every single hour of every single day of every single week of every single month of the year, it is $1.5 million dollars in interest.
payments alone. What is most scary is that 70 per cent of that, at least, goes overseas—because that is where the previous Labor government borrowed that money from.

It is very sad when anyone loses their job. We hear about the job cuts at the ABC through the efficiency dividend of $50 million they have been asked to find every year. But to put that $50 million in context, it would pay the interest for only 33 hours of the year—forget the other 363 days of the year. That is the efficiency cut on the ABC. It is sad to hear of the 400 jobs lost, but where were the tears for the more than 500,000 jobs in small business that were lost under the previous Labor government as they drove them into the ground with their red tape and higher taxes? Where were they?

Surprisingly, those whingeing the loudest—especially in the media—about the hard and difficult decisions that we in the coalition government are making actually acted as the cheer squad for this mob sitting over on the other side while they ran up the debt that now causes the nation to have to pay that interest. What solution does the opposition come up with? Instead of working with the government to work out how we can become more productive as a nation and lift efficiencies, they simply want to go back for more of the same: more wasteful spending, more debt and more deficit. All that does is make the liability for our children and our grandchildren even greater. There are some hard decisions that this government must make, but we are doing so because we put the future of our country first.

**Australian Broadcasting Corporation**

**Illawarra People for Peace**

Ms BIRD (Cunningham) (21:10): Last Friday in my electorate of Wollongong there were about 200 people gathered on the corner of Crown and Kembla streets where Wollongong Town Hall is based. They had come together in order to express their deep concern about the government's proposed cuts to the ABC. There were people of all ages—some of them were well into their retirement years and some of them were very young and still at school. In talking to them I had the opportunity to reflect that the reason the ABC resonates so powerfully with people in our community is, I think, because it tells our stories in a very unique way—and it is a way we are familiar with, because each of our own stories reflects our growing up and our experience of the ABC.

My own earliest memories were of *Adventure Island* and *Mr Squiggle*. I well remember enjoying those as a young child and progressing on to episodes of *Bellbird*, which was always a staple in our household before the news, and the terrifying early black-and-white episodes of *Doctor Who*, which gave me many a restless night's sleep. As a young adult, I progressed to *Countdown*—never to be missed—and, as a proud Wollongong girl, *The Aunty Jack Show* of course featured very significantly in our household. I was having a look at some of the history of Garry McDonald, who of course played one of the key roles in *The Aunty Jack Show*. There is a story that he first had Norman Gunston as a character in *The Aunty Jack Show*. Norman was a journalist trying, on behalf of Wollongong, to find a sex scandal!

I think the ABC, for each of us individually, reflects our experience of growing up in Australia—hearing Australian voices, seeing the pool of Australian talent that was developed in the ABC, many of whom went on into the commercial media world. Interwoven through all of that are the profoundly important staples of news, current affairs and sport that have been
so significantly covered by the ABC. It is no doubt with a great deal of shock and despair that people see the impacts of the government's announced cuts to the ABC.

I notice my colleague the member for Gilmore has put out a letter that she has written to Mr Scott. It says that she is very concerned that his belt-tightening is going to cause the closure of the Nowra office of the ABC. I share her concern, but I also hope that she takes that concern into her party room. I think that these cuts will have a profound and significant impact on our capacity to tell our stories into the future and I think that is of great concern to all our communities. My thoughts go out to all of those in the ABC who are experiencing a period where they are either hearing or waiting to hear that about their futures—and to the communities that they service.

Another event in my electorate took place on the Thursday evening before that. It was at the St Francis Xavier Cathedral in Wollongong. It was estimated that up to a thousand people had gathered in that place, brought together by the Illawarra People for Peace. This is an association that was created in recent months to establish a commitment to peace and harmony throughout the Illawarra. It is comprised of members from the Lumen Christi Catholic Parishes in Wollongong, the Bilal Mosque in Cringila, the Omar Mosque in Gwynneville and the Church on the Mall in Wollongong; representatives from other faith; and people who are community leaders, like myself and the member for Throsby. They came together to form an organisation to promote peace between people of faith and people no faith. They promote coming together in a harmonious way in our communities.

We had gathered together on the Thursday night at St Francis Xavier's Cathedral for our large community barbeque. There were jumping castles, face painting and families just eating a meal together and having a lovely time. We heard from Father Aloysius Mowe from Jesuit Refugee Service, who is a priest of a Malaysian background who has worked with both Christian and Muslim communities. He told a moving story of his own father's funeral in Malaysia.

It was a wonderful event that I have to commend the organisers for. I look forward to many harmonious events in Wollongong in the future.

Carbon Pricing

Mr Pitt (Hinkler) (21:15): I rise to express my disappointment at the House's acceptance earlier today of amendments to the Carbon Farming Initiative, which were put forward from the Senate at the last sittings. My key concerns relate to the safeguard mechanism and the structure of what I believe to be, in essence, an emissions trading scheme.

The bill's passage through the House this morning was lighting fast, limiting the opportunity to properly debate the amended bill here in this place and other forums. As an MP, I take responsibility for missing that opportunity. I thank Minister Hunt and his staff for their quick response to my questions in the week following the Senate debate. However, given I was unable to express my views on the matter during a parliamentary debate, I will place them on the record now.

Despite the absence of a market, make no mistake that this so-called Direct Action Plan is a scheme that enables carbon credits to be traded between large emitters and carbon farming initiatives. It also places green tape on business at a time when the economy needs all the help it can get. The definition of a large emitter is set by regulation and, in my opinion, this will
enable future governments to easily set up a market to include an enormous number of businesses in the scheme.

I cannot support legislation which may result in even more limitations on our employers, particularly when unemployment in my region is at almost 10 per cent. We promised to be a government that makes it easier, not harder, to do business in Australia. We have made a lot of progress to release the handbrake that Labor put on the Australian economy. But in my mind, this legislation is a step backwards.

Businesses and farmers in my electorate are struggling and the single biggest issue hurting them is electricity. Ergon Energy has released three years of actual data and two years of estimates, showing that over five years green schemes will have cost regional Queenslanders and businesses $1.88 billion. Electricity users in Queensland are being disconnected at record rates for the non-payment of bills. It is a chicken and egg scenario: green schemes have resulted in a significant oversupply of energy in the market and those who do not have solar power are subsidising those who do. People are using less energy because it is too expensive. The networks and generators still have to be maintained to operate when green energy is not available, which is at night and when the wind is not blowing.

Bundaberg Walkers Engineering has been operating in my electorate for 126 years. This is a business that has survived the test of time: the great depression, two world wars and numerous floods. Yet, it may not survive changes to energy costs. Potential tariff changes at the state level could add up to $1 million in annual operating costs. The foundry has no choice other than to pay the growing bill or shut its doors. Renewable energy is not capable of supplying their operation; they have checked. Bundaberg Walkers Engineering has three furnaces requiring 6.4 MVA of energy in order to operate. That energy must be supplied consistently and for a long period of time.

The National Irrigators' Council is in Canberra this week to discuss electricity pricing. They call their predicament a death spiral and I tend to agree. Irrigators play a vital role in feeding and clothing our nation, yet we have backed them into a corner where they cannot afford to pump water. They are seeking a specific food and fibre tariff that reflects irrigation demands on the network in terms of base load and off-peak use.

Repealing Labor's carbon tax provided some relief to farmers, business and households but not nearly enough. Ken and Genevieve Wills of Hervey Bay are just two in a long line of Hinkler constituents who have contacted my office about the carbon tax. While federal charges were reduced as a result, state charges were increased. They say the ACCC was of no help to them and so they have referred their complaint to the Queensland ombudsman. The question is whether the carbon tax savings were passed on by electricity providers or whether it a case of careful accounting. For residential customers on tariff 11, the Queensland Competition Authority increased their bills by 13.6 per cent. With the removal of the carbon tax, that price hike was reduced to a net increase of 5.1 per cent. For businesses on tariff 20, the increase would have been 11.5 per cent. After removal of the carbon tax, the increase was still 3.3 per cent.

I agree that significant changes need to be made at a federal level with regards to the Australian Energy Regulator, but clearly the Queensland government has a larger role to play than what they have been willing to publicly admit. Reports suggest that in 2013-14 Ergon paid a dividend of $392 million to the state government, while Energex paid $406 million.
The state then paid $519 million to meet its community service obligation, giving the government a net gain of $279 million. We must not let the cost of energy be the millstone around the neck of the Australian economy. Real electricity reform will take courage.

But let me be clear: I am not opposed to renewable energy. I support green power where it makes sense and is financially viable. I am an electrical engineer, I have been a farmer and I have owned a small business. At the 2013 election, I promised to be a voice for common-sense in this place and I intend to deliver on that promise.

Higher Education

Ms RYAN (Lalor—Opposition Whip) (21:20): In Wyndham, the last census tells us that only 35 per cent of adults had a post school qualification and, of that, there were just over 27,000 people with a qualification. Almost 11,000 were for a certificate level, while 16,000 were for a diploma, degree, master or doctorate. The average for Australia is almost 60 per cent. You can see there that in Lalor we need access to higher education for our young people.

The electorate was benefitting from Labor's changes to the higher education system. They were changes that resulted in an extra 190,000 extra Australians in the system. Many of them were from my community and were often the first in their family to attend university or TAFE. We were proud that we were elevating potential wherever it was found, rather than that being reserved to those with means.

Labor has always argued that access to higher education is the door to opportunity for individuals and the nation. Before the last election, the now Prime Minister, Mr Abbott, promised no cuts to education, and Minister Pyne said there would be no changes to higher education. And yet here we are, with the Abbott government's changes to the higher education space in the parliament this week. These changes include a 20 per cent cut to funding to universities. Universities are being forced to increase fees to cover that loss and are having caps lifted, which may see the costs soar. On top of that, the changes threaten the social contract around student debt being affordable, with talk of $100,000 degrees and changes to interest rates that will change people's life decisions.

I believe that only ability and hard work, not the income of students or their families, should determine who is able to obtain a university education. I also believe that it is not enough to enrol a young person. We must ensure they succeed. This relies on quality and excellence in the system. Too often, I hear dreadful stories about the lack of support that students experience when seeking assistance from lecturers and tutors. I hear stories of signs on the tutor's door that say, 'Not in today'. And that can be repeated for weeks. Many of these tutors and lecturers are on short-term contracts, often with no extra student-support time.

Under this government, universities face a 20 per cent cut in their funding. Universities will have to compensate for cuts by using their new power to set their own fees or the quality will be lowered. There will be less preparation, marking and support time for staff. There will be pressure to pass students who have paid large sums of money. There will be less spent on campus services. What gains are there for a young person to proudly obtain a university place if that means that a lower quality education is served-up? And the kids in Lalor will baulk at embarking on a degree that will be double or triple in cost. They will not want to start their working lives with a $100,000 debt.
It is not just the university sector that has been hit by the Liberals. In Victoria, the Liberal government has slashed TAFE funding. A report today from the Standing Committee on Education and Employment has identified significant issues facing the TAFE system. For a long time, the quality of TAFE has been paramount. The Australian public wants a public provider of vocational education and training. In recent meeting with apprentices, I heard that many valued the TAFE system over private providers. They see private providers as lax, with little interest in student outcomes.

The report today recommends that the value of TAFE be recognised by the government and that its future be strengthened by federal expenditure. It also outlines the importance of working with the state and territory governments to ensure quality provision. This will not be a problem in Victoria if it elects a state Labor government on Saturday, as Daniel Andrews and his team have shown they are ready to commit to this.

I call on this government to honour its promises of no cuts to education and no changes to higher education. I call on the government to get off the education wrecking ball at a time when youth unemployment rising.

Bennelong Electorate

Mr ALEXANDER (Bennelong) (21:25): I rise to update the House on several local programs and also to sing the praises of three members of my electorate office, whose efforts have been critical for the success of those programs.

Many members in this place joined me last month for the launch event of the Hyundai Bennelong Cup table tennis competition in the Great Hall. I was honoured to welcome the Prime Minister, Minister for Foreign Affairs and Minister for Health and Sport to oversee the formalities as we recognised the Ambassadors for China, Korea and Japan and their representative table tennis teams to challenge the Australian team.

The competition continued in the Bennelong suburb of North Ryde. Our team did us proud, as we finished second, with China taking the lead in the final game of the competition. My strong appreciation continues to go out to Hyundai Australia as the major sponsor of the event and for funding the supply of table tennis tables to every school in my electorate.

From my office I was joined at these events by two part-time electorate officers who have job shared the EOB position in my office for the past 12 months. Sara McCracken joined my office shortly after last year's election as a local mum with a press gallery background and a faultless work ethic. Through some difficult times, Sara showed here levels of strength and leadership. Sara was creative in her ideas and solid in her work implementation. She joined me for many weekend events and provided great support. Fortunately for her, but at great loss to me and my office, Sara received a job offer she could not refuse in the corporate sector. I wish her well.

Sara's job-share colleague, who has managed the organisation and delivery of the Bennelong Cup for the last three years is Marie McHugh. Marie is also a local mum who impressed so much in a voluntary capacity in her school's P&C that I offered her a job. She has brought with her a unique presence, a cracking wit, and a degree of honesty often forgotten in this world of political correctness.

Marie has been our database manager and IT helpdesk, but was primarily tasked with the implementation of the Bennelong Cup and Bennelong Gardens. Both of those projects have
commenced and Marie is now seeking further challenges elsewhere. I know she is studiously preparing hand-over documents to ensure her projects continue to build and grow, and I am sure she will be a regular visitor to our office to check up on their progress and to keep me grounded.

The last person I would like to recognise is Jennifer Lugsdin, who was a foundation staff member of my office in 2010. Jen worked on too many projects to list within the time constraints of this speech, and was crucial to the development of good working relationships with local media and community groups. Jen also proved to be a ferocious campaigner in last year's election and, shortly after, chose to move on to focus her energies on voluntary work. As with both Sara and Marie, Jen's departure was a great loss to our office, and I am grateful that we remain friends.

I wish to take this opportunity to thank Jen, Marie and Sara for all their hard work and dedication. We have achieved some special things in Bennelong over the past few years, and worked hard to improve the lives of many in our community. For this we remain proud.

Jen has returned recently for some casual work in my office. Her particular interest is to help women who have been victims of domestic violence, which is timely considering tomorrow marks White Ribbon Day. It is deplorable that in our modern connected society violence against women remains such a serious problem. One woman is killed every week as a result of intimate-partner violence. Domestic and family violence is the principle cause of homelessness for women and their children and the leading contributor to death, disability and ill-health in Australian women aged 15 to 44.

As a White Ribbon ambassador it is my responsibility to play a leadership role in preventing men's violence against women. White Ribbon works to change our culture to stop the violence before it occurs, with activities in schools, workplaces and the broader community. Their oath is simple and I urge us all to declare it: 'I swear never to commit, excuse or remain silent about violence against women.' Thank you.

House adjourned at 21:30
Monday, 24 November 2014

The DEPUTY SPEAKER (Hon. BC Scott) took the chair at 10:30.

STATMENTS
Federation Chamber: 20th Anniversary

The DEPUTY SPEAKER (Hon. BC Scott) (10:31): Before I invite honourable members to make constituency statements, I wish to provide a status report on progress with physical enhancements of this Federation Chamber. All members will recall that, in the last sitting period on 22 September, I made a brief statement in relation to the 20th anniversary of the Federation Chamber and foreshadowed some physical enhancements to improve its facility and authority. I am pleased to report that several of these enhancements are now in place. In addition to the screens displaying captions about proceedings, there is improved signage at the main north-east chamber entrance, a redesigned desk for the Deputy Speaker and the clerks, a central table to accommodate chamber documents and purpose-built lecterns in the front row of members' seats—which I warmly encourage members to use. They have been designed so there are no chairs in front of them, enhancing the lecterns and giving the speaker's words to the chamber greater authority. A new coat of arms, enhanced lighting and some artwork are anticipated in the future.

A number of routine maintenance matters have also been addressed. I am sure honourable members will agree that the chamber looks very sound and fresh. In closing, I would like to thank the staff of the office of the Serjeant-at-Arms and of the Department of Parliamentary Services for all their efforts in progressing this enhancement project. I am sure they will contribute to the continuing successful operation of this Federation Chamber. Many other parliaments around the world have now adopted the principle behind the Federation Chamber, which has now been successful for 20 years.

CONSTITUENCY STATEMENTS
Climate Change

Mr SWAN (Lilley) (10:32): Since its election last year, this government has waged an ideological war on climate change. At every opportunity it has threatened any real action against climate change, so much so that we had the extraordinary statement from the Treasurer on Insiders last Sunday week that climate change was not an economic issue. Now we have a war against the renewable energy target and against the Clean Energy Finance Corporation. You cannot hope to be a first-class economy in the 21st century unless you are substantially powered by renewable energy—yet the coalition are waging an ideological war against the renewable energy target.

The RET commits Australia to producing 41,000 gigawatt hours of electricity through renewable energy sources by 2020. It was supposed to be a bipartisan commitment, going back to 2001—and certainly back to 2008. Now it is threatened. It was always set as an absolute amount for a very good reason: to give certainty to industry to make the investments. But the Treasurer hates even the sight of wind farms. He has a personal hatred of a part of the renewable energy sector and he is taking that out on the investors in renewable energy right across this country—because he cannot stand seeing the wind farms as he drives from the
northern suburbs of Sydney to Canberra. He cannot stand looking at them, so we have to be rid of the renewable energy target. We have to target all the investors in renewable energy in this country because of the ideological sickness of this government, which does not even accept the very basics of the science of climate change.

That is even before you get to the war that has been waged on the Clean Energy Finance Corporation, an incredibly professional body which this government has done everything in its power to attack and to try to close down. It is now even trying to force a new mandate on that corporation to sabotage the very good work it is doing with investors right across this country. If there were ever an example of where the Liberals have demonstrated just how ignorant they are of the economics of this country—and most particularly the economics of climate change—it is in their ideological attack on climate change, their attack on the renewable energy target and their attack on the Clean Energy Finance Corporation. The RET and the CEFC are all about encouraging long-term investment in renewable energy so that in the 21st century we can be a country which is substantially driven by renewable energy, but the coalition are trying to get rid of them. They deny the science and they deny the importance of climate change to our economy, demonstrating yet again what economic Luddites they are.

**Sours, Hon. George**

**Mr HOCKEY** (North Sydney—The Treasurer) (10:35): Today I pay tribute to an old friend of mine who is retiring from the New South Wales parliament at the next election. George Souris has been a friend of mine since the early 1990s. He has had a profoundly successful career in state politics, having been Leader of the National Party, Deputy Leader of the National Party and, remarkably, a minister not in one government but in three—the Greiner, Fahey and O'Farrell governments. He has served in 13 ministerial portfolios and 13 shadow ministerial portfolios over 26 years. Perhaps more than anything else, he has been proud to represent the Upper Hunter, a region that he dearly loves and that the member for Paterson, who is here, is very familiar with. George Souris has represented the Upper Hunter for 26 years since first being elected to the parliament in 1988.

George Souris is someone I worked for in the 1990s. I was seconded by Nick Greiner to George's office to work on the privatisation of the GIO, an incredibly successful transaction and unquestionably one of George's career highlights. In many ways it was a pathbreaker from a commercial perspective and it proved to be of immense commercial benefit to the people of New South Wales.

He was also very involved in a range of other areas. In land and water conservation, he established the Office of Water. He was not inherently enamoured with multicultural affairs at first, but he was the first Greek Australian MP to be elected to the New South Wales parliament and he was the first Minister for Ethnic Affairs from rural New South Wales. As Minister for Tourism, Major Events, Hospitality and Racing and Minister for the Arts, he implemented reforms for the registered clubs industry. He loved his tourism industry and established Destination New South Wales. He had a major hand in sporting events, and in the arts—perhaps something where he failed in his experiences with me—he was regarded widely as New South Wales's very best Minister for the Arts.

As a lover of rugby and a lover of the arts, he had mixed and divergent views, but nothing was more important to George than his family. He is a man who is incredibly loyal. He is a man who has great personal integrity. I want to pay tribute—a special tribute—to his wife,
Vassy, who has stood by his side throughout his career; to his son Theo and his wife, Vanessa; to his two grandchildren, Eva and Jonathan; and to his other son, Ari. I think they will be proud to have their dad back, and they will be proud of George Souris's great legacy.

Yula-Punaal Aboriginal Education and Healing Centre

Whitlam, Hon. Edward Gough AC, QC

Mr CONROY (Charlton) (10:38): Earlier this month, thousands of people gathered in Sydney Town Hall to pay tribute to Gough Whitlam. At the same time I was in Mandalong, more than 100 kilometres away, celebrating the official opening of the Yula-Punaal Aboriginal Education and Healing Centre. And I am proud to say that we were also honouring Gough Whitlam on that day. Yula-Punaal is a purpose built facility which supports the local Aboriginal community through cultural education and training. It is situated on 19 hectares of land at a point between the Awabakal and Darkinjung country at the base of the Watagan Mountains. The property is named Kywong, which means 'rain and sun'. It is a symbolically significant site for the Indigenous community. It is also a place of stories, which I am told follow the songline for Wollombi and Mount Yengo. There is also a spiritual link with ancestors. Massacres occurred there. Now it is a place of healing and a place where culture is brought back to life.

The land was purchased by the Indigenous Land Corporation in 2002. At that time, a man named Mr Victor Wright had a vision to make it a safe place for people to heal after being in custody and to provide support to prevent them going back. He would be joined on this journey by Louise Campbell-Price, Deborah Swan, Tammy Wright and Aaron Swan, who form the board of Yula-Punaal. Over the years they have succeeded in delivering culturally appropriate support programs for Aboriginal people, although I am sad to hear that funding for their alternative-to-jail program for Aboriginal women has ceased. I will support them as they seek alternative sources of funding for this. The site was officially divested to the Yula-Punaal group late last year.

In partnership with a number of Catholic high schools in the area, they shared in $6.8 million of federal funding to build a trades training centre, which is now up and running and offering pretrade courses in hospitality, horticulture and land management. Their tailored mentoring program also caters to young Aboriginal people who find themselves disengaged at school or unable to succeed in mainstream learning environments.

It was my pleasure and my honour to officially open the centre. In addition to a smoking ceremony and Aboriginal dancing, the service included an official soil exchange, a homage to Gough Whitlam's symbolic gesture to hand back the Wave Hill Station to the Gurindji people by pouring sand into the hands of Vincent Lingiari. Of course, among Gough's numerous achievements was the beginning of the Commonwealth government's recognition of Indigenous land rights, which acknowledged the fundamental injustice perpetrated against Australia's first people.

The day was a fitting way to pay tribute to the legacy of a great leader but, more importantly, an opportunity to praise and respect the work of community leaders like Victor Wright and his team at Yula-Punaal for their dedication to improving outcomes for Aboriginal people in our community. It will not be just the people of Charlton who benefit from this centre. I am sure there will be residents of Paterson, Dobell, Shortland and
Newcastle who will have an opportunity to enjoy this excellent trade training centre, and I wish them the best of luck.

**Paterson Electorate: Television Reception**

*Mr BALDWIN* (Paterson—Parliamentary Secretary to the Minister for Industry) (10:41):

Last week was another stinking hot week, temperature wise, in the Hunter. As a result, it was another week of stinking TV reception in the Hunter. As we move into this time of year, where the atmospheric conditions become highly electrically charged and the temperature increases, the residents and constituents in my electorate of Paterson suffer with a lack of television reception. This is the season where we move into the peak TV sports-watching session through the Christmas period. Predominantly people are on holidays. They like to watch their golf, and they like to watch their cricket and all other associated sports.

These issues are not unknown. In fact, since the early sixties, the issue of the ducting has been a well-known factor. The recent retune has exacerbated the situation. In fact, I questioned ACMA about the issue. In the response I got from ACMA, they said, ‘There are well-known spectrum constraints in the Newcastle-Sydney-Illawarra area.’ They also advised me that they had extensively consulted with the broadcasters on this restack. In fact, in November 2010 was the first meeting of the Restack Planning Advisory Group which involved my regional broadcasters.

What concerns me is the next part. The group discussed these issues and plans for ways to address them. In fact, in July 2011 they presented the working group with two options for incorporating the block planning in relation to the use of the channels. Option A was that Newcastle be co-channelled with Bowral and Mittagong and Illawarra be co-channelled with the Central Coast. Option B was that Newcastle be co-channelled with the Illawarra, as it was before, and for the Central Coast to be co-channelled with Bowral and Mittagong. In the government's view, through ACMA, the preferred option was option A. This would have moved the problem of occasional interference by seasonal ducting, through co-channeling, down to the Central Coast, and that was not a huge issue because the Central Coast, in most parts, can tune into Sydney stations.

But what we found was that in the July 2011 meeting none of the broadcasters in the Hunter supported option A. Their concern was expressed that, if people tuned into the Sydney service in the event of a ducting event, they might never return to regional services and therefore cost a loss of revenue. I say to them: you made a decision to increase this problem; you need to make the decision and fund the solution to this problem. I call on them to do it urgently.

**Blair Electorate: Employment**

*Mr NEUMANN* (Blair) (10:52): Last week Ipswich awoke to a story on the front page of *The Queensland Times* about skyrocketing unemployment in our community: 'Jobless rate hits 23 per cent high'. On page 4 was 'Jobless on the rise in Ipswich'. The numbers are stark and terrible. In the Ipswich suburbs of Leichhardt and One Mile, unemployment had reached 17.6 per cent; in Bundamba 13.9 per cent; in North Ipswich 13.6 per cent; and in Riverview, in the Eastern Suburbs of Ipswich, 23 per cent. Overall the unemployment rate in Ipswich now sits at 9.29 per cent. Many families in our community face a difficult and uncertain Christmas.
These numbers underscore that the Queensland LNP state government has been disastrous for our community. Before the 2012 election in Queensland, Campbell Newman promised to reduce the unemployment rate in Queensland to four per cent over six years. At the time he set this target, the unemployment rate in Queensland was 5.5 per cent; in Ipswich it was 4.8 per cent. These figures are under the Labor government, both federally and in Queensland. But they did not last under Campbell Newman’s slash-and-burn budget. By then it was clear his plan for jobs began and ended with sacking thousands of Queensland public servants. So far he has slashed nearly 20,000 public service jobs. About 3,000 of the public servants who lost those jobs live in Ipswich. They were sacked after Campbell Newman told them they had nothing to fear from the LNP. An LNP election brochure promised to:

… guarantee job security for all hardworking public servants, with no forced redundancies. Restructuring will be managed through natural attrition, career advancement and training opportunities.

What rubbish that turned out to be. After the election, Campbell Newman and his government slashed jobs. They slashed front-line services. They slashed employment programs like Skilling Queenslanders for Work, which assisted the Ipswich City Council, the Salvation Army and other organisations to provide necessary job training and jobs in the Ipswich area. This is a $53 million program slashed before the Deloitte Access Economics independent analysis was actually produced. And that analysis indicated $1.2 billion in revenue to the Queensland economy by 2020 if this program had continued. This program had delivered 8,000 jobs for long-term unemployed people, and 57,000 Queenslanders had obtained jobs. I am pleased the Labor opposition, should they win government next year, will bring back Skilling Queenslanders for Work. In my community alone, the LNP state government ripped $4.5 million in employment support from the Ipswich community, making it harder for people to find work. Therefore the LNP local members in Ipswich, Ipswich West, Nanango and Lockyer should hang their heads in shame and start speaking up for the Ipswich community. Finally, do your jobs. I urge them to do it.

**Dobell Electorate: Narara Public School**

Mrs McNAMARA (Dobell) (10:47): On Friday, 7 November 2014 Narara Public School celebrated its 125th anniversary along with students—past and present—families and teachers. The day was a celebration of 125 years of dedication, commitment and achievement, complete with the nostalgia of the early days of Narara Public School.

The school’s journey dates back to November 1887, when a formal application for a school was lodged. The initial application was unsuccessful, with the government of the day responding, ‘All schoolchildren at Narara can attend at Gosford.’ Despite this initial setback, the local residents did not give up. A little over a year later a second application was lodged. Wisely, during the assessment of this application, it was considered that the population of the district, approximately 100 people, was likely to grow. A contract worth 379 pounds was granted to construct the school.

When the school opened in 1889 there were eight students out of a local population of 100. Today the school student population is three times the 1889 Narara population. The current population of Narara is approximately 7½ thousand. In their 125 years, Narara Public School has witnessed much change, not least the relocation in 1998 from the original site in Berrys Head Road to a new modern facility some two kilometres away. This move reinforces the vision of the residents of Narara back in 1887, whose foresight and determination to establish...
a school benefited not only their children but also the numerous generations to follow. Whilst I was attending the 125th anniversary celebrations, it was abundantly clear that Narara Public School holds a special place in the local community. It was heartening to see so many members of the school community in attendance, many dressed in costumes reflecting the school's earliest days. Their attendance is a reflection of the community pride evident within the Narara Public School family. I would like to thank principal Greg Frohlich, teachers and the school staff of volunteers, whose commitment to their school is equipping our youngest citizens with the best possible start in life.

The school has a rich history, reflecting the changing nature of both the school and education in Australia. For example, the school's original punishment book shows that in 1914 a 12-year-old student was found guilty of nonsense; his punishment was two strokes of the cane. While this trivia highlights the changes of some aspects of our schooling system, the teachers of 2014 are as committed to their students as were the first teachers of the school in 1889. During the school's centenary celebrations, then principal Mrs Carmen Morgan stated, 'The future of our nation lies in our children and their education.' The school's commitment to its students stems from this truism, offering a range of innovative programs including a transitional program for preschool students with learning disabilities to ease them into the big school transition. Education is the greatest gift a child can receive and I am committed to working alongside Dobell's teachers and parents to ensure that our schools are as successful as possible. Congratulations to all involved in organising this celebration of Narara Public School's special milestone.

**Vietnamese Community in Australia**

**Mr HAYES (Fowler—Chief Opposition Whip) (10:50):** Over the past five years, since becoming the federal member for Fowler, I have witnessed firsthand the extraordinary work and contributions of the Vietnamese Community in Australia New South Wales chapter. Established almost 40 years ago, this organisation has grown from very humble beginnings into one of the most significant not-for-profit organisations located in the south-west of Sydney. With offices in Bankstown and Cabramatta—in the heart of my electorate—this organisation has assisted more than 10,000 Vietnamese people and their families in the Liverpool, Fairfield, Bankstown and Canterbury local government areas. I have had the opportunity of working very closely with the president, Dr Thang Ha, and have seen the VCA achieve many great things under his leadership. I also acknowledge the extraordinary contribution made by his very committed board. Under the VCA's welfare program, services such as referrals, linking people with mainstream services, providing culturally and linguistically appropriate information, access to financial advice and also problem gambling counselling are just some of the many services that the VCA provides to the local community.

In the 2013-14 financial year the VCA assisted almost 2,000 people with appropriate settlement services, and another 500 individuals were helped in relation to money management education. The VCA's Links to Learning program has also had a profound impact on the lives of young people who are at risk of disengaging in mainstream education. In the last financial year the VCA supported 36 students from year 7 to year 11 with extracurricular activities such as sports, education and exam preparation.

In addition to hosting citizenship classes for non-English-speaking members of the community, the VCA's welfare centre also provided training courses to assist and prepare...
people for employment. The VCA’s services have not only significantly transformed the lives of many disadvantaged families but also been the catalyst for their successful integration into Australian society. I commend the VCA management committee and, importantly, their volunteers, who have made a difference for the better in our community. Their contributions are the real display of the Australian spirit.

**Hume Electorate: Broadband**

**Mr TAYLOR (Hume) (10:53):** I rise to speak on a subject of great interest and importance to my constituents in Hume: telecommunications. Indeed, I speak on this topic more than any other in this place. When this government was elected just over a year ago, the Minister for Communications, my colleague Malcolm Turnbull, made a decision to prioritise fast broadband to areas of greatest need with the right technology for that particular location. Recently I was able to announce the NBN rollout for the Wollondilly shire in my electorate and that by 2016 it will be joining the superfast era. Planning meetings between the council and NBN Co have commenced in this area, and the key message for all businesses and households in Wollondilly is that they will be entering the superfast broadband era—this is for all of them. The NBN technology mix for this area will be a combination of fibre to the premise, fibre to the node and fixed wireless, reflecting the range of needs in the region. However, the important message is that no matter what the technology mix people will be able to video-stream online, participate in online learning and access internet services with ease day to day.

The reason I am standing here today and talking about this good news for the Wollondilly shire is that with this government we finally have an NBN that is doing what it was intended to do. We have a government that is turning around the disasters and poor decisions of the previous government and can see where the priorities should lie. We are making good on our pledge to deliver the NBN sooner and more affordably for taxpayers and consumers. For the residents of Wollondilly, this is what I have been fighting for. In the very short term, I am looking at ways I can help businesses and residents in the Wollondilly shire who are struggling with poor telecommunications services.

I have arranged for Telstra representatives to visit the area to discuss individual service issues this Friday. I have written to residents in Werombi, Orangeville, Theresa Park, Mount Hunter, the Oaks and Oakdale to let them know that Telstra will be in the area. Residents in these areas will be able to call my office and make an appointment to sit down with a Telstra representative and discuss the problems they are having. We have had a strong response to this offer. I am doing this for the residents in these areas and I know there is a real sense of frustration with the services they currently have. Telstra have committed to listen, investigate individual concerns and see what they can do to fix the problem, and I thank them for this. Good-quality telecommunications services are critical in my electorate and across Australia. Today I am pleased to be able to talk about the huge leaps forward we are making in the Wollondilly area.

**Chifley Electorate: Health Services**

**Mr HUSIC (Chifley) (10:56):** I rise to speak to a clear case of the public’s healthcare interests taking a backseat to the political self-interest of the coalition. This month the New South Wales coalition sought to shore up the political future of one of its own, Tanya Davies, in the state seat of Mulgoa. To much fanfare that MP, along with the state Minister for Mental
Health, gathered at a building on the edge of the grounds of Mount Druitt Hospital to announce the establishment of a new methadone clinic there. There was no sign of the New South Wales health minister, Jillian Skinner, mind you. She would not be seen touching this hot potato, and no surprise too, because she is too busy overseeing the funding of healthcare needs to the North Shore coalition electorates by denying proper facilities to the people of Sydney's west.

This announcement in Mount Druitt signalled the end of a state coalition government campaign to export political problems out of its own seats. As I have said previously, this is simply a case of political interest at work, because the former methadone clinic at St Marys was situated in seats held by both state and federal levels of the coalition. There is a great need for treatment for Australians struggling with a drug addiction, and they need access to that treatment in a timely way. We need that support and there are places in our area that are already providing this support. What was interesting was the state member for Mulgoa telling the media that the grounds of a hospital were an appropriate place for a clinic of this type—really? If that logic is followed then the clinic could have easily been relocated on the grounds of the Nepean Hospital at Penrith. Nepean Hospital is roughly a nine-minute car ride from the location of the clinic in St Marys. Its new location in Mount Druitt is about 13 minutes drive. So it is not a case of putting a clinic in hospital grounds to make it easier for patients; this was about making life easier for the coalition.

The Nepean Hospital sits in the state seat of Penrith and is covered by the federal seat of Lindsay. On Tanya Davies's logic, the clinic could have been located on hospital grounds in Nepean. And at Mount Druitt Hospital the coalition government would have given us what is higher on the priority list for local health care. GPs in my area tell me that three of the critical health issues in the Chifley electorate—in fact, this is a threat that runs throughout much of Western Sydney—are heart disease, diabetes and obesity. Yet Mount Druitt Hospital has been robbed by the coalition of the very unit that was at the front line of tackling issues associated with heart disease, and that is what makes this latest decision so hard to cop, because we are told the money is not there to maintain a cardiac unit, but money can be found to satisfy coalition political interests. I have spoken numerous times, for example, about the denial of funds for an MRI at Mount Druitt Hospital. If you are a Mount Druitt resident who wants help detecting cancer or other life-threatening conditions, the coalition takes away your money for an MRI. If you have heart disease and need urgent local treatment, the coalition stops you getting that too. It is a disgrace and people should not be copping it.

Mallee Electorate: Cancer

Mr BROAD (Mallee) (10:59): I rise to address the Australian parliament and talk about very important services around cancer support in my electorate. We have rural disadvantage. We have the tyranny of distance. In Mildura we have a substantial need for a radiation treatment plant. Currently people who have to get radiation treatment have to travel 400 kilometres and live away from home for a long period of time. It puts a burden on them, it puts a burden on their family, and it removes that support network when they are going through a very difficult time.

What we saw when a radiation treatment plant was set up in Bendigo, which is 400 kilometres from my town of Mildura, was that, when they did not think there was a demand, they actually found that there was a demand, because people who had prostate cancer had
been choosing not to travel to Melbourne; they had been choosing instead to stay at home and, ultimately, die younger. That was because it was too much of a move to go and seek that treatment. But, when Bendigo opened that treatment up, people would travel. They would go to a country town. We have nearly 100,000 people in the catchment area of Mildura. We do not have radiation treatment services, and we need that.

The other service I also want to raise is in the township of Horsham, where we have really poor—and oversubscribed need for—oncology services. Currently 40 per cent of the cases in Horsham cannot get treated there. They have to get treated outside Horsham. Horsham has the lowest five-year survival rates for cancer. It is something we need to address. It is only a small budgetary request, and I am going to be presenting a letter to the Minister for Health on Wednesday asking for $1 million. That is all: $1 million in an area that has the lowest five-year survival outcomes for cancer. I will be asking that. Simply, it has to do with fairness. At the moment we have people who have to travel up to five hours if they come from Kaniva, travel through Horsham and travel down to Ballarat to get treated. They are stopping on the edge of the road; they are throwing up; they are having all the ramifications of the effects of chemotherapy. To be able to get full treatment available in Horsham is going to be essential.

I will fight very hard in this next federal budget to make sure we get a million dollars. A million dollars, incidentally, will only pay for a third of it. The community will put their own hands in their own pockets and come up with the rest of the money. This is something that is unique about the communities I represent. They know that with a little bit of government help, and with a lot of community work, they will get the services they need—and not only the services they need but the services they deserve. I do not accept for a moment that, just because you live in rural Australia, you should have second-rate health services. This is what I will fight for in this parliament.

The DEPUTY SPEAKER (Mr Goodenough): In accordance with standing order 193, the time for members' constituency statements has concluded.

PRIVATE MEMBERS' BUSINESS

Education Funding

Ms RYAN (Lalor—Opposition Whip) (11:02): I move:

That this House:

(1) notes the:

(a) Government's 2014-15 budget contains the biggest ever cut to schools, leaving classrooms across the country $30 billion worse off over the next decade;

(b) Government has failed to fund the vital fifth and sixth years of the Gonski reforms and has opened the door to state and territory cuts by promising not to enforce their obligations under the Gonski agreements;

(c) Government has restricted school funding changes to the Consumer Price Index from 2018; and

(d) importance of equity and quality—for every child in every school—in improving student results and building a prosperous future; and

(2) calls on the Government to recognise the Commonwealth's role in funding schools by:

(a) keeping its commitment to honour the signed Gonski agreements; and

(b) reversing its $30 billion cut to schools.
I move this motion because we on this side will not cede to those opposite and their winding back the notion of commitment to education, winding back hard work, developed over a long-term review, to create equity in our school education system.

We are in the last two weeks of parliament for this year, and for me it is critical that, prior to the school term ending, I raise again the issue of the cuts, the dramatic cuts, that this government has made to education. The dramatic cuts that we saw in the 2014 budget were the biggest ever cut to schools, leaving classrooms across the country $30 billion worse off over the next decade.

We all remember broken promises—there has been a lot of talk this week about one broken promise about the ABC. I remember, very clearly, several promises that were made before the election that gave us a Liberal government. I remember promises from our Prime Minister Abbott and from Minister Pyne—promises that there would be no cuts to schools and promises that there would be a unity ticket on education. These promises were made after enormous publicity about the Gonski review and the Gonski reforms that were being implemented by the previous Labor government. They promised a unity ticket. Prime Minister Abbott said clearly, 'Your school will get the same.' Well, it is a broken promise, because that is not what is happening on the ground across the states in this nation. They said they were committed to the Gonski funding for six years, and the first thing they did on getting into government was say, 'Oh, sorry; we meant four years.' You did not mean four years; you meant six years. It was a clear promise to every family in this country that you were as committed as the previous Labor government to making sure that every child in this country got the best education they could have. You made a clear promise that you believed in equity. You made a clear promise that you believed in fairness and would support fairness in our school system, and then we got to the budget and you ripped $30 billion out of education across this nation—$30 billion. And you did this by indexing education funding to the CPI from 2018—no mention of that prior to the election. This is a clear broken promise.

You cut the strings to the states. You cut Gonski in half. You clearly said to the states at that point that the Gonski plan was that we would make a contribution and the states would commit to increasing their funding model from their coffers, joined with the national coffers, and we would go forward to the best education system in the world. We would go forward to equity. But what did you do? The first thing you did when you came into government was cut those strings and let the states off the hook. So your actions say that you do not believe that education is important—that you do not understand how fundamentally important education is for the prosperity of this nation going forward. An educated population will give us the economic advantage going forward. You have shown that you are not committed to that, that you are not committed to needs-based funding and that you are not committed to ensuring disability funding in our schools. These are the things that we are very, very clear on.

I know, because in Victoria it is school awards season, and I am sure parliamentarians across the country are in their schools giving out awards and being invited to graduation nights for grade 6s and year 12s. I know that what I am hearing in Victoria and what I am seeing on the ground is that, under a Napthine Liberal government, there is no transparency. Principals do not know where their Gonski money is. It is their first question. 'Joanne, where is the Gonski money?' they ask in Victoria, because they cannot see it.
Then we go to Queensland, and we show that, a week after the budget, analysis in Queensland showed that, over the period 2014-15 to 2024-25, there will be approximately $6 billion less funding available for Queensland schools under the new arrangement with the Abbott government. Approximately $2.7 billion less funding will be available for the Queensland government school sector. (Time expired)

The DEPUTY SPEAKER (Mr Goodenough): Is there a seconder for the motion?

Ms Hall: I second the motion and reserve my right to speak.

Mr VAN MANEN (Forde) (11:08): It is always a pleasure to rise and speak in this House about school funding, because I can assure the member opposite that we firmly believe in funding our schools appropriately. It is interesting to note that, as the mover of this motion, she has not even stayed around to listen to this contribution, which may help educate those opposite somewhat on what is really happening in the school funding space.

Let us first of all clarify a few misconceptions. The money that the member opposite was talking about was never, ever anywhere budgeted for. It was never, ever budgeted for. Explain to your constituents that budgets operate on four-year cycles, and that is what the money is budgeted for. The reality of the fact is that this government has honoured the remaining three years of the funding commitments in the previous Labor government's budget, bringing it to a total of four years. So we have honoured our election commitments that we would match that funding commitment. What we have done is after that—and this shows the complete hypocrisy of those opposite, because they have never said where this extra money is going to come from; never, ever have they budgeted for that.

It is interesting to note that the ABC's Fact Check—not the greatest friend of the coalition government, I must admit—investigated these so-called cuts, and in their verdict they found that we have not cut $30 billion from schools in the May budget.

An honourable member interjecting—

Mr VAN MANEN: No, they don't. The previous Labor government, as I said before, never, ever budgeted for years 5 and 6 of the Gonski funding. It does not appear in their budget papers anywhere. We never saw an explanation of how they were going to fund those supposed increases. It is as good as waving around a bunch of Monopoly money, because they never agreed that they would fund it.

In contrast, we have exceeded the commitment to maintain Commonwealth school funding for the next four years, from 2013-14 to 2017-18, with the record amount of $64.5 billion. This represents a 37.4 per cent increase to all schools from 2013-14 to 2017-18. Within that increase, there is $1.2 billion more than the previous Labor government had, because we had to reinstate funding to Western Australia, the Northern Territory and my home state of Queensland. Queensland will now receive the largest share of this $1.2 billion extra funding—some $794 million of additional funding—and this has been acknowledged by the Queensland government. I know from talking to the state schools in my electorate that have received the benefits from this that they are in the order of more than $3 million that they would never have got if the previous Labor government had been re-elected.

In total, Commonwealth funding to all schools in Queensland will increase by some 46.8 per cent through 2013-14 to 2017-18. If Queensland were left with the funding that Labor gave them, they would be worse off to the tune of $795 million. Unlike the previous Labor
government, we have a plan for years 5 and 6, but there will be no cuts. The funding will continue to grow from 2018 by CPI in addition to student enrolment growth in our schools.

Long-term Commonwealth past and projected spending on all schools shows a continued increase. I would make those opposite aware of this graph, which does not show any cuts anywhere. It continues to grow and continues to increase.

In addition to that, it is not only about funding for our education system. Despite the fact that funding has increased each and every year since 2008-09, our PISA results continue to fall behind. The government are focused on doing what we need to do to ensure that we have a quality education system by putting students first, improving teacher quality, increasing school autonomy, engaging parents in education and strengthening the curriculum. Let us not pretend that the coalition government is not providing growth in education or putting students first. We are committed to making a real difference to students.

Mr CONROY (Charlton) (11:13): I am proud to participate in this debate about schools funding. I want to pick up something that the last speaker said before I go to my substantive contribution, and that is around this mythical $1.2 billion in new funding. I say 'mythical' because the Department of Education has confirmed that it is not new funding. It is existing funding: $950 million cut from trade training centres and $450 million from a cut to outside-school-hours care. So all they have done is juggle figures within the Department of Education's budget to provide it. Yet again, it shows that the government are only interested in paying lip-service to fair funding for our schools.

The truth is that Gonski revolutionised the federal government's role in funding education. It provided fair funding for every school, equality for every student and targeted resources based on need, including loadings for small schools, remote schools, disadvantaged students, Indigenous students, students with limited English and students with disability. Schools in my electorate of Charlton would have massively benefited from this, partly because four of the six loadings are very common in Charlton and, might I say, very common in neighbouring electorates such as that of the member for Shortland. The truth is that, according to figures from expert sources, my electorate of Charlton would have received $73.5 million in additional funding between 2013 and 2019 because of the Gonski reforms. A few examples of that include: $4.3 million to Morisset High School, $4.8 million to Toronto High School, $2.4 million to Wallsend South Public School and $860,000 to Garden Suburb Public School. The local Catholic schools would also have massively benefited.

This is all gone because of this government's treachery and lies; all gone because this mean and tricky government said one thing before the election and has gone back on its word. You saw the then shadow minister for education say before the election:

… you can vote Liberal or Labor and you'll get exactly the same amount of funding for your school—absolutely untrue. The media release also said:

… your funding is certain. The Coalition will match Labor dollar-for-dollar over the next four years.

All completely untrue; all mendacious; all a betrayal of the Australian people. Do not just take my word for it—that is, the impact on my region will be massive; even the New South Wales coalition education minister acknowledges that. Adrian Piccoli said on 14 May:

Schools in regional areas, as well as disadvantaged and Aboriginal students, will be the hardest hit.
When the coalition state governments are criticising the federal government's cuts, you know they must be deep and hard. What is even worse is untying the funding. The member for Lalor talked about how, by not making it a condition that states maintain and increase their funding, all federal funding does is give an excuse for state governments to pull money back, and we saw this with the WA government pulling money out of its system. What is even worse is the Department of Education acknowledge they did absolutely no analysis of the impact on Australia's education system of this $30 billion of budget cuts that are contained in the budget papers.

This is a massive tragedy. This is a tragedy of epic proportions. We should be investing more in education, giving every student in this country the best start in life and giving funding to students based on their need and not on their postcode. This government are not doing that. Governing is all about choices: you can cut $30 billion from education but provide $63 billion over the next decade for a ridiculous paid parental leave scheme—a scheme that would give $50,000 to women in the seats of North Sydney and Warringah who have babies, whereas women in my seat of Charlton would be lucky to receive $20,000. They have got $63 billion for their paid parental leave boondoggle, but they cannot stump up the $30 billion to maintain their real commitment to Gonski.

When we look back at this period of history we will see the coalition has done a reverse Menzies. One of the key reasons Labor were unable to win elections in the fifties and the sixties was because we were mired in a petty sectarian struggle over federal funding for Catholic schools. We were on the wrong side of history. Well, I would submit that the current government are well and truly on the wrong side of history now because not only are they saying no to needs-based funding for schools they are also saying that the federal government's role in education funding should be limited to supporting wealthy private schools and not state schools or systemic Catholic schools. I am confident that this will be condemned by the public when they get the next opportunity. I am confident that the coalition and their mean and tricky cuts that prevent Gonski will put them well and truly on the wrong side of history, and I well and truly condemn them. I will stand up for the $73 million of extra funding for Charlton schools that would have occurred through a true commitment to Gonski funding.

Mr CRAIG KELLY (Hughes) (11:18): It is very disappointing to have to walk into this chamber and address this most appalling and misleading motion from the member for Lalor. All it does is perpetuate a complete hoax. It actually shows every reason why this Labor opposition are completely unfit to ever sit on the Treasury benches of this country again.

This motion refers to the 'biggest cuts'. Let us go through the facts and look at what is actually happening to school expenditure in this country: this year there is an 8.7 per cent increase; next year it is 8.9 per cent; the year after, it is another 8.9 per cent; and the year after that it is 6.6 per cent. If this government runs its three years, then in the last budget it will hand down it will be a 37.4 per cent increase—and this mob walk in here and claim that is a cut! We know that they have simply failed remedial maths at school: 37.4 per cent more money is going to spending on schools. And you know what? I come from a public school background in New South Wales; and for New South Wales public schools, it is even better. This year, the amount for New South Wales public schools is 10.2 per cent; the year after, 10.6 per cent; the year after that, another 14.4 per cent; and the year after that, 7.2 per cent. In
fact, in the next four years, New South Wales non-government schools will get close to 50 per cent more in government funding. This government, in our last budget, will be giving 50 per cent more money to New South Wales public schools than this previous mob opposite did, and they come in here and have the hide to perpetuate this myth that there are somehow cuts to funding. It is simply an absolute hoax.

I had a discussion with someone from the teachers federation about this hoax. I said, 'Can you explain to me why this Gonski funding is back loaded in years 5 and 6? She scratched said and said she did not have a clue. But we know why it is. It is because our forward estimates period are in a four-year cycle. So if you put expenditures in years 5 and 6, you do not have to show where the money is coming from. And that is what this mob opposite have done—a complete hoax. They are perpetuating a hoax on the schools of Australia. They are perpetuating a hoax on the teachers and the parents and, worst of all, they are perpetuating a hoax on children of this country.

We know they believe in magic-pudding economics. But we have to ask: where will this so-called mythical $30 billion come from? I will tell you where it could have come from. If we had not have had the six years of reckless, wasteful and politically motivated spending from this mob opposite, we would not have that interest bill that we have to pay. If we go back six years, we never had to pay interest as a Commonwealth government. We were actually receiving $1 billion a year. But after six years of reckless and wasteful spending from this mob, we now have to find 13½ billion dollars every single year—that is, over $1 billion every month that we have to cut that could have otherwise gone to schools because of this mob's reckless spending, waste and the mismanagement of this country. And those opposite come back into this parliament and carry on about cuts to expenditure. What an absolute disgrace.

It is about time those opposite put our country first ahead of their own political interests and started talking about how we can do best with the limited funding we have. And remember, that limited funding for public schools in New South Wales will be 50 per cent more. We need to encourage our kids and tell them about the great future that they have in this country. We need to talk about the free-trade agreements that we have just signed with China and we have just signed with Korea and we have just signed with Japan. We should be talking to them about the opportunities they have from the growing economy of India. That is what we should be talking about. We should be giving incentive to our kids. We should be having entrepreneurial studies as one of the most important things we do instead of this nonsense we have of sustainability—teaching them low growth. We can throw all of the money we want at schools but unless the kids have the motivation to study, that money is wasted. This is an appalling motion. It is an absolute hoax and it should be condemned.

Ms CLAYDON (Newcastle) (11:23): I rise to join with my colleagues, the member for Lalor and the member for Charlton today in calling on the Abbott Liberal government to do what they in fact promised to do before they were elected. In August last year the now Education Minister and Prime Minister has stood next to each other and pledged with hand on heart that you could vote for Liberal or Labor and you will get exactly the same amount of funding for your school. They declared they were on a unity ticket with Labor with education funding. On the eve of the election, we will remember well the Prime Minister again reassuring the Australian people that there would indeed be no cuts to education, to cuts
health, no changes to pensions, no change to the GST and, the best of all, no cuts the ABC or SBS. That was the context. The statement was very clear: no cuts. There was no ambiguity then, but fast-forward 15 months and the reality could not be more different. The Prime Minister's word clearly counts for very little these days. So, contrary to the solemn commitments given prior to the election, the Abbott Liberal government has embarked on a series of savage cuts to education, health, pensions, the ABC and SBS, to name just a few, while also starving the states of funds to force changes to the GST. This is a government that says one thing to get elected and then does the exact opposite afterwards, crushing any faith the Australian people had in this government to keep its word.

This is a destructive path for any government—a path that has lasting consequences for democracy. This government's approach to education funding and to investing in our nation's future is especially destructive. Its $30 billion cut to school funding is the biggest ever cut to schools in our nation's history. In my electorate of Newcastle, it is estimated that the cuts will leave schools nearly $196 million worse off over the next decade. So much for the extra $4.4 million that Francis Greenway High School in Beresfield were counting on, or the extra $2.8 million that was going to help Thornton Public School. These schools, like all 65 schools in my local electorate, are now being asked to pay the price for this government's broken promises. No matter how the government attempts to dress it up, $30 billion is a massive cut to education, with lasting consequences for our children.

Make no mistake: all the evidence at hand highlights the need for governments to invest more, not less, in our schools. That is what Labor was doing in government and what the Abbott Liberal government said they were going to do before being elected. The Gonski review, conducted in 2011, was the most comprehensive review of our school funding system in 40 years. It identified the problems within the existing school funding model but also gave us the solutions. The Gonski findings were very clear: too many children were being denied the education they needed and deserved due to a lack of resources under the existing funding arrangements. Gonski recommended that an additional $5 billion a year was needed to ensure that every school had the resources it needed, with the vast majority of that funding going to public schools, where student need was highest. It recommended that the money be used to improve student learning through more individual attention in the classroom, specialised teachers, greater support for kids with disability or special needs, and additional training and classroom support for teachers.

A new national needs-based funding system for schools was created, and new six-year funding agreements with states and territories were negotiated. A key aspect of those agreements was that the states had to maintain and indeed increase their own funding above the rate of inflation. But, to the detriment of our education system, the Abbott government has torn up the Gonski model of needs-based funding, slashed funding to our schools by $30 million and let the states off scot-free. Our schools, school communities, teachers and students deserve better. Every child in Australia deserves the best start in life and access to high-quality education, not just those with big wallets. *(Time expired)*

Mr **Ewen Jones** (Herbert) (11:28): I rise to speak on the motion moved by the member for Lalor, and I note that she is not even here anymore in the chamber. This is her commitment to her motion!
Can I just start with Gonski. We have this notion from across the chamber about Gonski and their commitment to Gonski. Gonski was the money we have in the budget at the moment plus an extra 17 per cent. So, whilst Labor want to talk about their commitment to Gonski, what they actually did when they were in government was give their version of what Gonski represented, which was about half of what Gonski was actually chasing. I think the Gonski report was a great document, but it seemed to me, from the bits and pieces I have read of the Gonski report, that the premise of the report was: if money were not an issue—if you did not have to worry about money—what would you do with education?

That is where Gonski came from. It was a great idea but it is one of those things where it would be different if money were not an issue, but money is an issue. No matter what you do, it comes back to money.

The member for Forde summed up our position on education. It comes down to an argument between the two sides of politics. The opposition wants to argue about the quantum of funds, whereas we would always argue that it is the quality of the placement of those funds that is important—getting the decision making closer to where it is needed, getting the decisions made close to the school and empowering school principals to make sure they have the responsibility and the right to attract the right teachers. It is about the quality of teachers and getting parents involved in their school communities. That is how you drive value for dollars.

We can continue to argue about where funds have gone, but, standing here with the member for Forde, in Queensland we are under no misapprehension about what happened to education funding at the last election. In the PEFO, just before the election, Labor took out $1.2 billion. There have been no cuts to education. What we said before the last election was that we were in lockstep with Labor over the forward estimates in relation to funding. Labor pulled that $1.2 billion but we have put it back into the system. In years five and six, Labor had no alternatives available to them because they could not afford to maintain funding. This comes down to the economy. According to Lisa Paul, the Secretary to the Commonwealth Department of Education, in the August 2013 Pre-election Economic and Fiscal Outlook, $1.2 billion was taken out not by us, not by Christopher Pyne or Tony Abbott, but by the previous government. That represented the money that those states had not signed up to in that time.

We have to make sure that education funding is sustainable. We have to make sure that we give kids every opportunity to participate in education. I was reading on the weekend remarks by Peter Walsh, the former ALP senator and finance minister in the Hawke and Keating governments. In his valedictory speech in 1993 he predicted that we would never pay off the debt that Paul Keating had left Australia. He said that the danger we had was that first a country loses its economic sovereignty, and if you lose your economic sovereignty you lose your political sovereignty. That was the danger that Peter Walsh saw in 1993. He said we could not pay back the debt that we had then—the $96 billion that Paul Keating handed over to John Howard. Of course the Hawke-Keating governments' reforms during the eighties had a fair bit to do with this, but through hard work and diligence and making sure that we understood the issues, with Peter Costello and John Howard empowering their ministers to make sure they lived within their means, we paid off that debt. On one side of politics we are delivering for education; on the other side of politics we have these pie in the sky issues—the
Dung Beetles

Mr RANDALL (Canning) (11:34): I move:

That this House notes that:

1. dung beetles:
   a. provide an important service to Australia's agricultural sector; and
   b. act as a biological solution that assists in fly control and enhances livestock health;
2. the work of dung beetles acts to enhance and improve the nutrients in soil, leading to natural fertilisation and reducing nutrient runoff;
3. greater recognition by industry of the beetles' importance may lead to further widespread adoption;
4. investigation and research into the introduction of two new species of beetles from France and Spain may provide opportunities to expand the beneficial impacts of dung beetles by increased activity during the spring months, and this could bridge the existing activity gap prior to the activity of native beetles in the summer months; and
5. agricultural research and development organisations could provide important support in researching the benefits and quarantine implications associated with importing these two new species.

I rise to speak on a matter of great importance and significance to this country's agricultural sector and the economy generally—dung beetles. I have made a number of speeches in this House over a number of years on this topic, and it is important to do so again because there has been a considerable amount of inaction since those speeches. The dung beetle is a magnificent insect that provides an important service to our agricultural industry. Dung beetles, as the name suggests, bury dung deposited on open farm and fringe urban areas. The results of this activity have proved time and again why the dung beetle is such an important part of our ecosystem. Their importance could be so much more, as I will explain as I go.

Approximately half a million tonnes of cow dung is dropped by cattle each year. Dung beetles take this dung and bury it deep in the ground, the results of which are improved nutrient levels of soil; reduced soil compaction; deeper topsoil, to a depth of over 300 millimetres; a habitat and food supply for earthworms; aeration of soil; increased rain infiltration and storage; increased soil penetration of plant root systems, which then reduces the effect of soil salinity and acidity; reduced run-off into rivers and dams of fertilisers and soil agents; storage of carbon dioxide in the ground, thereby reducing emissions—in other words, it ticks the box on climate change; and removal of breeding grounds for flies within 24 to 72 hours, thereby drastically reducing fly populations by up to 99 per cent. I repeat: a 99 per cent reduction in fly populations. This list goes on. These wonderful insects are an ecological, environmental and agricultural bonanza.

Another benefit of the dung beetle activity is the recycling of phosphorus from animal dung back into the soil. For those who do not know, Australia is the most phosphorus-deficient continent in the world. As you know, we import a huge amount of phosphate rock from such places as Christmas Island, Nauru and elsewhere. This is at great financial cost to Australia and a significant environmental cost to the rest of the world. As with most resources, this supply of phosphate is not infinite. By breeding dung beetles, we can harness...
their ability to bury phosphate into the soil, thereby ruling out the need to import so much of this fertiliser.

As my interest in the dung beetle has grown, I have had the pleasure of making the acquaintance of Mr John Feehan, who some of you may know as the Dung Beetle Expert. John is a retired CSIRO scientist—an entomologist—who was directly involved in the CSIRO's world-first dung-beetle-breeding program for 31 years. Nowadays John is based in Canberra, from which he operates the company called Soilcam, a company that can claim to have the largest and most efficient redistribution of dung beetles to be found anywhere in our universe. During a conversation with John last week, he informed me that the bush fly has just arrived in Canberra a whole two months after it normally does. The reason for this late arrival is solely attributed to John and his extraordinary work with dung beetles in this area.

The reason I stand here today to talk about dung beetles is not just to outline their outstanding contribution to Australia's agricultural industry; it is to raise the profile of the dung beetle and to express to my fellow parliamentarians the need for funding to further distribute dung beetle species across Australia. My colleague here the member for Forrest, Nola Marino, knows only too well the importance of dung beetles to her electorate of Forrest, and I thank her for her support on this matter today. For the member for Forrest, bush flies are a significant problem affecting not only the agricultural industry in her electorate but also the tourism industry in the South West of Western Australia—and, I say, elsewhere in Australia; it is certainly not confined to that part of Australia.

Whilst we have dung beetle species to combat bush flies in those summer months, it is in the spring months that we see a shortfall in the dung beetles in Western Australia. We know that there are a whole range of dung beetle species which would satisfy that early spring need for an alternative beetle to take up its life cycle and activity in that time frame.

Another industry which the dung beetle can provide a significant benefit to is the horticultural industry. The fact that dung beetles have the ability to transport dung to areas where it is not originally deposited illustrates the dung beetle's potential to assist in the renovation of horticultural soils. Research of this kind is explored in Bernard Doube's and Tim Marshall's guide to dung beetles, entitled *Dung Down Under*. In this book they identify the horticultural root zones, such as those found in vineyards and orchards, that are highly compacted and nutrient poor and suffer poor aeration. While the addition of mulch has improved the nutrient quality of soil at the surface, it also encourages roots to head upwards, towards the nutrient, where they can be exposed. The addition of dung beetles to horticultural soils encourages roots to follow the path of the dung beetles to find soil that is aerated and nutrients that have been buried with the dung.

Such an experiment was conducted by the authors at a winery in Eden Valley in South Australia. After the addition of dung from a dairy farm to the vineyard's soil, it was proven that dung beetles not only increased the moisture content of the soil but also reduced its compaction. Furthermore, and just as importantly, the study found that the addition of dung beetles has no negative effect on the quality of grapes or wine. In fact, it has a positive effect. In my electorate of Canning, there are many orchards, not just vineyards, that could benefit and be strengthened by the presence of dung beetles.

There are two new species of dung beetle which originate in France and Spain that are suited to a slightly cooler climate, much like that of Western Australia's spring. As an aside,
for the benefit of the House I would like to note that the risk of importing dung beetles is little to none. There is no risk of an uncontrolled pest as dung beetles require dung for both food and breeding purposes. Therefore, if there is no dung they perish. In addition, strict quarantine conditions ensure no foreign diseases are accidentally introduced to Australia. Any suggestion to the contrary is just a misleading red herring. To that point, I sat down with the previous agricultural minister in the former Labor government, Tony Burke, the member for Watson, and begged him to take this issue on board. Of course, the distraction was quarantine et cetera—there needed to be $1 million spent by the previous government on this area. They could have done that, as could state governments and our government now.

There is one problem, however. The limited availability of affordable programs for Western Australia does not allow for research, rearing or distribution of these two new species in our state. I know the Department of Agriculture and Food in Western Australia, DAFWA, released the French beetle *Onthophagus vacca* at a number of sites in Kojonup in August this year with the help of the CSIRO. This release occurred after two years of research by DAFWA, but even this does not guarantee the beetle colony will survive. In fact, past releases have been unsuccessful. However, I do note that DAFWA's climate matching technology is more advanced this time. When they did it last time, they wasted their money. The dung beetles died because they did not release them in the right time frame. Western Australia needs to get its act together in terms of releasing dung beetles. They will be just wasting their money if they do not do it scientifically. In addition to large-scale state managed projects, I would hope that Western Australia could receive funding for smaller scale projects. A constituent and an entomologist of Canning, Mr John Allen, has approached me on this very topic. He has a small-scale dung beetle project at Coodanup Community College and he is unable to expand due to a lack of funding. He tells me $1 million would be enough. I say to the state agricultural minister, Mr Ken Baston: 'You've got skin in the game in terms of agriculture. You've been a station owner. You talk a lot about wanting to do things for the agricultural economy. How about coming up with $1 million for Mr John Allen and his associates to breed dung beetles specifically designed for the right time and seasons in Western Australia?' I say to Barnaby Joyce: 'Do the same thing. How about providing the minimal amount of money at a federal level?' We talk about $1 million, probably not much more, to expand this incredible program that will benefit all those involved all around Australia in terms of making this a marvellous, low-cost agricultural initiative that will tick all the boxes on the environment, agriculture and a sustainable economy. I commend this motion to the House.

*The DEPUTY SPEAKER (Mr Goodenough):* Is the motion seconded?

*Ms Marino:* I second the motion and reserve my right to speak.

*Mr FITZGIBBON (Hunter) (11:43):* I congratulate the member for Canning for bringing this matter before the House today. I suspect there would be many people out there who may have seen this motion and thought it a little unusual for us to be talking in the parliament about dung beetles. That is to be expected because we have a rather dry and witty sense of humour in this country. I can understand why people would be raising the question: 'Really? Dung beetles? Is that all you have to talk about in the national parliament?' I understand that. Those of us, including all of those currently in this chamber, who have an interest in and a passion for agricultural issues will fully appreciate the relevance and importance of this
debate. On that basis, I congratulate the member for Canning. I join with him in his suggestion that maybe both the federal and the state governments could do more in funding terms to ensure that we further progress this very important area of research.

I take the opportunity to congratulate the CSIRO and others, who have already been very much in this field and who, unlike most in the general community, have a very, very solid understanding of the critical nature of that work and the very good things that it can do in relation to, for example, improving our soil quality in the agriculture sector, improving nutrient levels and indeed delaying nutrient run-off from our agricultural land and all the negative impacts that can have.

I did not hear everything that the member for Canning said, unfortunately, as I was caught up in meetings. I do not know whether he mentioned flies.

*An honourable member interjecting—*

**Mr FITZGIBBON:** He did mention flies? I recognise the fact that he has done that. Most of his speech was devoted to flies. Few Australians probably understand the importance of dung beetles, but I think most Australians understand the great Australian fly and what an inconvenience it is to all Australians, whether it be around the barbecue or working the land. Dung beetles play a very, very important role in removing that product, which becomes a breeding ground for flies and which attracts flies. This is very, very important work. If we could do more to have people connect dung beetles with the fly infestation problem that we encounter in this country, we would probably have more debate about dung beetles and more people discussing the importance of properly investing in research and development in this area. I acknowledge what the member for Canning was saying about new potential breeds from other countries, and I know that France was one of them—breeds which are active at different times of the year or, therefore, during different seasons, which would of course expand the scope and effectiveness of dung beetles. Again, I would join with the member for Canning in working on a bipartisan basis to overcome any quarantine issues or biosecurity issues that might be associated with the introduction of those new species.

I recall listening to probably an ABC Rural report some time ago about the work of our CSIRO scientists, who were painstakingly taking dung beetles to the southern parts of Western Australia to conduct further experiments on the effectiveness of these breeds. It is slow and arduous work—if I remember well, it was going to take between 10 and 20 years for the scientists to be able to show without doubt that the introduction of these species was having a very positive impact on the fly population in that part of Australia. It is painstaking and very slow work, work for which you have to wait a long time for a return. That is one of the reasons that I pay so much credit to those who are working in this very important area.

I have said in this place many times before—and it is not designed to be a partisan comment, although it probably will be taken as one—that in my view we lack a coherent strategic plan for Australian agriculture. We do have a white paper on its way, and we are assured that it is going to be comprehensive. I suppose Minister Joyce would argue that that will form Australia's strategic plan in agriculture. I am a bit sceptical and not confident that that will be the case. I am not confident, because even the terms of reference for the white paper are not sufficiently broad, in my view, to pick up all of the issues that we need to tackle in terms of our agricultural future or the issues that arise if we really are going to fully capitalise on those opportunities in Asia—the phenomenon I prefer to call the 'dining boom'.

FEDERATION CHAMBER
It will stretch all the way from our productivity and the efficient use of our limited natural resources right through to how we make decisions about where those resources should be allocated—where the niche markets are, where the return is going to be, what products use water most efficiently and so on. Here today in this debate we see another aspect. It is may be a relatively small aspect but it is a debate that gives you an idea of how comprehensive those challenges will be. These are things which, going back to where I began, are never at the forefront of the public debate in this country—but should be. There are many more I could name.

I will take a few minutes to talk about messaging in rural Australia and how we promote conversations in rural Australia about these important issues. The medium we rely upon most to activate these discussions in rural and regional Australia is the ABC. It is a very sad period for the ABC because government imposed cuts are now starting to bite very hard on this most important part of the social and economic infrastructure of rural and regional Australia—our local ABC services, in particular ABC Radio. As we speak, in Newcastle, my own region, each and every one of the 33 staff who work at that facility—

Mr Coulton: On a point of order, Mr Deputy Speaker: this motion by my colleague is very important. I suggest the member for Hunter sticks to the subject. A great deal of manure has been discussed so far. I suggest he sticks to the bovine sort and not the other.

The DEPUTY SPEAKER (Mr Goodenough): That is not a point of order.

Mr FITZGIBBON: I have been respectful to the other side in this discussion. I would expect them to be respectful to me. I have made the link between the discussion before the chamber and the importance of facilitating broader community discussion of these issues. There could be nothing of greater importance to facilitating that discussion than the role the ABC plays. Before I was rudely interrupted, I was saying that up to one-third of those who work at the ABC facility in Newcastle are being pulled in to the general manager's office for a discussion. Sadly, as I understand it, one-third of the staff in Newcastle will not have a job at the end of this day. I hope that is not accurate, but that is the very strong speculation. It makes it a very sad day for me. It makes it a very sad day for everyone living in the Hunter region.

Ms Hall interjecting—

Mr FITZGIBBON: I hear the member for Shortland agreeing with my point. But it is not just the Hunter region; it is filtering through our rural and regional communities right around this country. It is a very sad day and I appeal to the Prime Minister to rethink this issue. (Time expired)

Ms MARINO (Forrest—Government Whip) (11:53): I congratulate the member for Canning on this motion. As the only dairy farmer, I think, in Parliament House, I know firsthand what an unsung hero the dung beetle is. I have seen the great benefits of dung beetles not only in reducing fly numbers but in the soil benefits that go with the recycling and burying of the cow manure. The member for Canning talked about the size of the job the dung beetles do—half a million tonnes of dung a day—and they do it very well.

WA has been seasonally plagued with a lot of native bush flies. In the early days, they were basically a plague. The dung beetles have significantly reduced the numbers, quietly beavering away to reduce the number of flies by breaking down the fresh cow manure.
Researchers have noticed a reduction in bush fly numbers following the introduction of dung beetles in the south-west. There have been 10 trials that have been very successful. There has been a real reduction of the bush fly numbers. The dung beetles break down and bury the cow manure in between 10 and 30 hours, and that means fewer flies actually survive. They are absolutely a quiet achiever. You can get the cows out of the paddock in the morning, take them to the dairy and milk them and by the next day the manure in that paddock is gone. We know that the bush fly female lays its eggs in the fresh droppings and the larvae feed within that. The dung beetles bury the droppings and rob the bush flies of their opportunity to reproduce. There are native dung beetle spaces that eat and recycle marsupial dung and there are a few native species that can deal with the dung of horses, sheep and cattle, even though they are not in the same volumes.

I want to talk about the practical side of this as well. In the early years on our farm, I spent an awful lot of time harrowing paddocks—actually spreading the manure around to distribute it—so that I did not end up with patches where the grass did not grow and to actually recycle the manure well. The work of the dung beetles reduced that time spent significantly. They were so effective in dealing with the cow manure. They bury very large volumes of manure, with benefits to soil, water and pasture, as well as biologically control the bush fly. The benefits, as we heard, are significant: aeration of the soil; relocation of the nitrogen and phosphorus in the dung to the grass root zone; cultivating and turning over the topsoil to a depth of 300 millimetres, producing an environment in which the microbial activity thrives; providing habitat and a food supply for earthworms; reducing internal parasite loads in pastures through the rapid burial of the dung; increasing rainwater penetration and improving ground water retention full; and reducing bush fly populations of up to 99 per cent, according CSIRO research in Western Australia—and what a great job CSIRO has done.

I have seen these little Trojans—I call them—at work on our farm in Harvey. They just go non-stop until the manure is gone. Of course, I respect the position put by the member for Canning; there is a gap. And we certainly need to make sure that we have a full 12-month coverage of the dung beetle so that it is a constant cycle—no time when those flies can breed. I am glad that we have seen a lot of investigation and research of species to cover that spring gap. This this has a wider benefit, not just in dairy and beef properties but in horticulture, orchards. We do see two dung beetle species out of France and Spain that may well be able to fill the gap. That is really important so that we have the 12-month process. I also note the comments about DAFF and Western Australia and the extensive work done by CSIRO.

I congratulate the member for Canning for his constant and persistent approach to this. We underestimate the value of the dung beetle in a very practical sense. I think this is one of those 'quiet achievers'. If you want to give a 'quiet achiever' award in the agricultural sector, it would go to the dung beetle because of the amount of work that is done by these little fellows. I watch them. Every time I drive down into the paddock on the motorbike, I see the fresh cow manure. When I come back 24 hours later, it is gone. I just think: help what an enormous environmental and agricultural benefit that is. I think this is a great motion by the member for Canning.

Ms HALL (Shortland—Opposition Whip) (11:58): I would like to congratulate the member for Canning on bringing this motion to the House. It is a motion of great significance. The member for Forrest, if I am ever in Western Australia, she may take me for a tour of her
farm so as I can watch the dung beetles at work. I think that would be quite inspiring. Dung beetles do play a very important role in our environment, particularly within the farming environment.

I would like to also associate myself with the statement made by all speakers in this debate and the member for Hunter, too, where he pointed out the important role that the ABC plays in rural areas and in getting messages out to people. My heart goes out to the people in the ABC at Newcastle that are facing cuts at the moment.

The dung beetle is an interesting little creature. It works to improve pasture production. It leads to a greater capacity on the land. It reduces the need for fertiliser, and it has this recycling process that actually creates nutrients within the soil. It improves parasite control—I just mention the common fly—and it works to reduce the impact of the bush fly in agricultural areas. By recycling the dung, it then leads to a situation where there are fewer bush flies, and it has a very big impact with buffalo dung as well as cow dung. It is one of those species that were introduced into Australia in the sixties and the nineties that has actually had a beneficial impact. We have had others. The cane toad is an example of something that was introduced to control a problem but created a problem, but it is not like that with the dung beetle. The dung beetle has actually, really, made a very positive impact in our environment and our agricultural community.

As well as improving parasite control, it leads to greater water storage in the soil and more earthworms. It is a natural solution, and that is what I really like about it. So many cases of using chemicals in farming have led to problems. This is natural. This is nature solving the problem that exists. It is also a scientific approach. I should congratulate CSIRO, as other speakers have, because they have done a lot of research in this area. I believe that we could do more to help them with research, because, by researching these types of approaches to agriculture and then investing in them, we get really good outcomes for our community—such as greater productivity on the land—and, at the same time, we control problems that exist within the community.

Federal and state governments need to work together on this. There needs to be a strong plan of where to go from here. We need to invest, and that is the secret when it comes to agriculture and all industries within Australia. We need to invest in the research. We need to then invest in the development of that research, and then we need to invest in our rural communities so that they can grow and thrive. It is because of motions like this, which really bring such an important issue to the parliament, that we can move forward. Hopefully in the future there will be plans and investment in that agricultural research and the development of the organisations that are important to support this research—organisations like the CSIRO, and the ABC, which gets the information out there to the farming communities. We do not want cuts; we want investment.

Mr COULTON (Parkes—The Nationals Chief Whip) (12:04): I, too, acknowledge and support the member for Canning for introducing this motion into the House. It is a motion, quite frankly, that I am very pleased and excited to be speaking about. Indeed, it was probably 20 or 25 years ago that I first met John Feehan from the CSIRO in the town hall at my home town of Gravesend, where he did a presentation about dung beetles. Since that time I have become acutely aware of the importance of the role that they play.
There has been some discussion from the previous speakers about the role that they have in burying the dung and the control of flies. The other parasite that they are quite effective in the control of is the buffalo fly. In Queensland and northern New South Wales the buffalo fly is a very serious pest and has severe ramifications for the productivity of animals, and the dung beetles certainly play a role in controlling that fly.

But I would like to go a little bit further. I think that a lot of people do not understand the agronomic benefits of what dung beetles provide. It is that cycle, that circle of life, and the overall management of a farming system that they thrive in. For the dung beetles to be working efficiently your cattle have to be healthy. They need to have a level of nutrition such that their digestive system is working correctly so that the dung they produce is at a consistency that is easily buried and has the nutritional value that can be buried into the ground.

Dung beetles are but a part of that system. In my own case, when the dung beetles were introduced, we had some areas of hard, bare, scalped, severely eroded country. Over a period of three to five years that area became completely covered in natural pasture again. The dung beetles broke up that hardpan and buried the nutrient and opened it up to allow the water to penetrate. This increased the water-holding capacity of that soil and let the seedling plants get a hold on. I have seen large areas of quite bare and eroded pasture land rehabilitated largely because of the work of the dung beetle.

There has been quite a bit of discussion in this place, in the last couple of years, about carbon sequestration. The dung beetles would be the greatest sequesters of carbon that we have in Australia. They are the unsung heroes. If we could measure the amount of material that is buried by dung beetles below the soil we would find that the tonnages of carbon that have been sequestered would be significant. They would be significant enough that we would go a long way to meeting our international requirements, under the conventions we have signed.

There is need for more research and understanding of these dung beetles because, inadvertently, they can be damaged quite severely. For instance, if a farmer drenches his cattle with a drench that is inappropriate it can decimate the dung beetle population. It is very important that when farmers are drenching their cattle for internal parasites they choose a drench that is dung beetle friendly because, inadvertently, you can cause a lot of damage.

When the dung beetle population declines, you can see that right across the whole landscape. You will see that if a cow pat is left unburied that area of soil is not useful for several years. The stock will not graze the grass that grows up through that cowpat until it has completely eroded away, through natural causes. The efficiency of that land is indeed reduced significantly.

I support the member for Canning in his motion; I believe the dung beetle is the unsung hero. Unlike the members of the opposition, the dung beetle understands what his job is; he is very good at it; he does not deviate from it. He does not want to do things that are not relevant to his job; he just gets on and does it in a professional and workmanlike manner. He does not seek public applause. He does not seek grandiose statements in this place, and I support the member for Canning.
Ms McGOWAN (Indi) (12:09): No flies on us today! I rise today to support the motion put forward by the member for Canning, and I call on the government to ensure the continuation of the dung beetle program. It is your job. I am really pleased to speak on this topic today because it brings together so many of my passions: passions for agricultural research, biological agents, the link between country and city, and cooperative research. It is very practical research that is undertaken and at a very insignificant amount of money. I am a sheep producer, and I am very sad to see that the member for Parkes has left. He constantly talked about the farmer 'he'. I just wanted to remind him that many of us farmers are 'she', and I suspect dung beetles are not all 'he' either; so I am sorry about that the member for Parkes.

But in talking to this topic, which I too agree with is a very important topic, I want to say it is such a small amount of money; it is $250,000. Why can't the MLA, CSIRO or someone else find the money to do this? I have been approached by my constituents who have actually asked me to lobby the government and state ministers for agriculture to see if we could do something about this. In particular, I would like to acknowledge members of my community Peter Serpell, Lachlan Campbell, Belinda Pearce and Jos McZenzie—members of the Kiewa Catchment Landcare Group—for taking this issue up. On behalf of the community of Indi, it is fantastic to have such strong Landcare groups who understand how important these research projects are, and how such a little bit of money will make such a big difference. I support what my colleagues have said about the great environmental and climate benefits that dung beetles have delivered.

I want to particularly emphasise today, and it seems many of my colleagues laugh when they talk about the dung beetle debate, that this has such importance for urban Australia—it is the great barbecue tradition. It is within our ability in rural Australia to solve the problem of the fly that enables so many of our friends in the city to have their afternoon barbecues on the weekend and to go outside on the patio and enjoy the beautiful weather. Many people in my community have said: 'Haven't you noticed there are no flies around now? It is getting hot but where are the flies? Haven't we enjoyed the fly-free afternoons and evenings.' To think that would go, and to think our city friends would again be attacked by flies for the sake of $250,000. I rest my case. There is no argument for it.

To bring the words of my constituents to the debate, the Kiewa Landcare group tells me that we need to introduce a further 20 beetle species. In south-eastern Australia, we only have one species that operates in winter. So to put all our eggs in one species basket, as they tell me, is not a strategy. The original CSIRO dung beetle project was closed before all the desired introductions were made, so there is a huge opportunity waiting for us. It is my hope that through this debate—and I again congratulate the member for Canning for bringing it to our attention—the original dung beetle project will be realised, and we will say, 'No, it's not just this one; we actually need to open up the 20 different species that we know we need right across Australia.'

If I could make my comments more pertinent to the bigger picture of what we are talking about, this is about our agricultural research. This is about applied agricultural research that has direct benefits to our communities, farmers and economics. I ask my colleagues opposite: what can we do in rural and regional Australia to give you the power you need to take this really important battle up to where it needs to be done? Up to the cabinet minister, if we need, but certainly to MLA—the board of MLA—to say we need more research; we need more
money invested in research; and we need more money invested in biological agents, because we have been hearing that they are the ones who do all of that magic work.

They are so important because they do not take outside chemicals to solve problems; they enable nature to do what it does so well. In this particular instance, it is a project that I think has just grasped the imagination of so many people, because they can actually see the symbolism of $250,000 solving the fly problem and doing all of this other good work for our environment. It might end for lack of political knowledge, I think, or political ability. Anything that we can do, or I, as a crossbencher, can do to support the government to actually make a case, I am right behind. So, a matter of urgency, $250,000 in the scheme of things it is not a lot. I urge the government to investigate expansion of the program and all biological programs in Australia. I particularly congratulate the member for Canning for bringing this really important matter to the attention of the House.

Mr BUCHHOLZ (Wright—Government Whip) (12:14): I also join with the accolades that have been laid upon the member for Canning. Our job here in this House is vast by any stretch of the imagination. When I first took on my role as the federal member for the electorate of Wright, a predominantly regional and rural seat comprising just on 8,000 square kilometres, I never thought that I would stand proudly on the floor of the Australian parliament to advocate the importance not only of the ecology but also of the benefits of the dung beetle. It is only as you get closer to the species that you understand the importance of the dung beetle in the ecology of our environment.

There are over 6,000 species of this one particular animal. In its level of importance in the Australian landscape it is up there with the humble bumblebee—the honey bee. Without the honey bee, without that process of third-party pollination being able to take effect, our agricultural production would be decimated virtually overnight. Maybe not to the extent of the humble bumblebee, but certainly in that ilk of importance, is our dung beetle. It is under threat from many different avenues. We heard from the previous speaker that it was under threat from a financial perspective. Today I want to raise the threat of the current weather conditions and the impact that they are having on the humble dung beetle and some of the progressions that have come about now with new species, which I will speak about.

Some interesting facts on the dung beetle: did you know that they could bury over 250 times their own weight each night? Did you know that each cow can produce 15 of the cow pats that they work through per day? So the number of dung beetles that we can use just by using those two base parameters is enormous. Our weather conditions have had a negative impact on our dung beetles. They look for a particular type of dung that provides a level of nutrient and where they can meet their new partner, their lady friend. The member for Parkes, earlier on, spoke about dung beetles as being 'hes', and the member for Indi said there are shes. There are shes. It is an interesting pattern that, when the male dung beetle rolls up his ball and fights off his little competitors as he tries to get it back to his house, the female dung beetle actually sits up on top of the ball as he rolls it long. It is quite comical to watch how they do it, because he rolls the ball with his large back feet in reverse, while the female balances on top of the ball. They go back to the hut where they have made their nest; they make their larvae; the little baby dung beetles are born inside the ball; and then they eat their way out. So if you ever think you are having a bad day, whether in politics or business, spare a thought for the poor humble dung beetle, because they go about their job surrounded in
crap, nude and walking around backwards. Some of our colleagues in this House, without the inference of nudity, would probably think that they are of a similar ilk.

Can I talk very briefly about the very exciting parts of the dung beetle and what they bring—

An honourable member interjecting—

Mr BUCHHOLZ: Mate, without them we are buggered! I take the interjection. You speak to those advocates who have now made a business out of selling dung beetles. If you do not have any on your farm because of the weather conditions, there are now commercial operators that you can go to and buy them. You buy them in one- or two-kilo packs off the internet; they will be bundled up; they will arrive in a stock standard Australia Post bag in your mail, depending on where you live; and then you take them out and spread them through your paddock. I am surprised there are not more members from the Greens here speaking on this, because this is truly a green initiative that is driven by our regional and rural members of the coalition. Some of the most arid landscapes can be transformed virtually overnight because of the incredible efforts. If you do not think that is exciting, I do. All hail to the dung beetle.

Ms CHESTERS (Bendigo) (12:19): As the final speaker on this motion, there are just a couple of things that I wanted to highlight. Some of them have been highlighted by previous speakers in relation to this motion about the dung beetle. One of the previous speakers, the member for Indi, sums this up quite well. The issues raised in this motion could be settled if the government just acted and funded the CSIRO properly. We have seen funding cuts to the CSIRO and the sacking of scientists in agricultural research and development, which could help solve the issues that are raised in this motion. Now, $250,000 does not sound like a lot when it comes to the broad research budget, but it is a lot of funding if your funding has been cut, as it was so savagely cut by this government in the last budget.

In all regional areas, it is hard to find a farmer who does not have a dung beetle story. We have heard discussion today about dairy farms. The example that I would like to raise from my electorate about the importance of the dung beetle is in relation to pigs and a free-range pig farm, the McIvor Farm Foods.

An honourable member interjecting—

Ms CHESTERS: My colleague next to me is smirking, but I raise this issue because it is an area that is much loved. These pork products—the bacon, the ham; the list continues—are favourites at our local farmers markets and our foodie restaurants in Central Victoria and Bendigo.

The pigs on McIvor Farm never see a concrete shed. They never experience an enclosed environment. They are truly free range. The passion of the owners is to have a farm with both agricultural and biological farming principles that are focused on the environment. The owners of this farm believe, and they advocate quite loudly, that to be an environmental farm they need to focus on the land. They say that they work with both pigs and their love of nature to produce this purely free-range system. Their system, they argue, is very different. To ensure that they have free range, they ensure that the pigs are part of the regeneration of their land. Those who may have farming electorates know that pigs can be very destructive to the land—uprooting soil, disturbing the land, creating problems, and so on—so the owners
introduced the dung beetle to assist with the nutrients in the soil, to ensure that the soil and the plants are continuing to regenerate, repair and grow. That is just one example of how a farm near my electorate is already using the dung beetle.

I do, though, have a few concerns with an aspect of this motion, whilst we have said that we support the bipartisan approach, and that is the call in the motion for agriculture research and development organisations to provide support in researching the benefits and the quarantine implications associated with importing these two new species. If the government are serious about this point in the motion, then why have we seen such a debacle when it comes to biosecurity? Again and again, we have organisations coming out and saying that this government does not know what it is doing about biosecurity. Last week in estimates we heard that the most recent industry to come out to raise questions about the government's approach to environmental biosecurity, the Tasmanian salmon industry, is concerned at the lack of consultation with industry. It is another example of how the government like to stand up and pretend that they are being the champion of agriculture and the champion of these issues, yet one hand is not talking to the other. If they are serious about dung beetles, if they are serious about the importing of new species and the quarantine implications which are outlined in this motion, then why on earth are they not doing what other industries in agriculture are calling for and consulting properly?

I mentioned at the beginning of my speech, and would like to reiterate it towards the end, the cuts to R&D, the cuts to the CSIRO, the cuts to the universities who will train the scientists to do the research that this motion is calling for— (Time expired)

Debate adjourned.

Early Childhood Education

Ms KATE ELLIS (Adelaide) (12:24): I move:

That this House:

1) notes the:
(a) importance of quality early childhood education in preparing children for school, and the overwhelming evidence of the positive impact that access to kindergarten and preschool has on life outcomes; and

(b) growing evidence of the enormous social and economic returns that are generated by investment in quality early childhood education;

2) recognises the progress that has been made in increasing access to kindergarten and preschool since the National Partnership Agreement on Early Childhood Education was introduced in 2008, including:
(a) an increase in the proportion of Australian children who attend 15 hours of quality early childhood education in the year before school from just 12 per cent in 2008, to over 56 per cent in 2012; and

(b) evidence that Australian children who access quality early education for 15 hours a week go on to score significantly better in Year Three NAPLAN tests and achieve higher results in Year Four reading, maths and science;

3) notes the uncertainty surrounding future funding for kindergarten and preschool and understands the impact this has on the sector, teachers, educators and parents balancing work and family; and

4) calls on the Government to provide certainty of funding for kindergartens and preschools, with the continued goal of ensuring every child receives 15 hours of quality early education a week in the year before school.
I am very pleased to move the motion that has been circulated in my name in regard to the critical importance of early-childhood education and also the need for this Abbot government to step up to the plate and provide much needed certainty about funding for this nation's kindergartens and preschools as a matter of urgency.

It is unfortunate that I still need, in 2014, to outline the evidence around the critical importance of quality early-childhood education and preschool to our national parliament, but it seems that is the case. That is necessary, and we can see that as a result of many of the statements those opposite have made—and many of them misguided statements. In the face of overwhelming evidence, we are still having a debate about whether or not the government should be providing 15 hours of critical access to early-childhood education.

We know that the National Partnership Agreement on Early Childhood Education was negotiated as part of the 2008 COAG agreement. Already, we can see that the results of providing enhanced access to preschool for every Australian child are convincing. *Education at a Glance 2014: OECD Indicators* states that a growing body of research recognises that early-childhood education and care brings a wide range of benefits:

- including social and economic benefits; better child well-being and learning outcomes; more equitable outcomes and reduction of poverty; increased intergenerational social mobility; higher female labour market participation and gender equality; increased fertility rates; and better social and economic development for society at large.

I would say—right there—that paragraph is a pretty compelling case for this government to continue funding.

If that is not enough, we also see Australian research that has been based on information in the *Longitudinal Study Of Australian Children*, which found that those children who attended a preschool program performed better in their year 3 NAPLAN test. The performance in international reading and literacy standards, the *Trends in International Mathematics and Science Study*, also showed a link between improved reading, maths and science scores and participation in pre-primary education.

It is obvious that if this parliament is going to take seriously its obligations to protect Australia's international competitiveness, to invest in our future economy and our future skills based in our future society, then it must start with a real commitment to early-childhood education. Sadly, that is not what we have seen from those opposite. What we have seen is the entire sector thrown into absolute turmoil and uncertainty for the majority of this year, not knowing whether their funding would be entirely cut by the federal government from the beginning of next year. This uncertainty continued post the budget, where the Abbott government failed to commit funding for preschool and kindergarten. Just recently, we saw a half-hearted announcement that there would be a continuation of some funding for one year only. So the uncertainty continues.

Even the funding that has been now pledged for next year has come with a number of conditions. This government seems to be flip-flopping about whether or not it wants to tell the states and territories what to do when it comes to education funding or whether it wants to get rid of what it calls the 'command and control'. In some areas they want to set the states free and let them do what they want. But now, in preschool and kindergarten, they want to dictate new terms and conditions around that funding without providing any additional funds. That means that right now, in a number of states, we know that next year governments will be
trying to split the same amount of funding amongst more centres or more children. That equates to a real cut in preschool and kindergarten funding facing Australia from next year.

That is shameful for a number of reasons, because it flies in the face of evidence. It also means that right around Australia we have the parents' committees sitting around saying, 'What will we do if the Abbott government keeps this uncertainty going or, indeed, confirms that they intend to walk away from preschools and kindergartens?' They are left with one choice. The choice is they either cut the number of hours that Australian children have access to preschool and kindergarten services or they massively increase their fees. Perhaps those opposite might want to rise and say what they suggest one of these two options is, for parents grappling with this decision at kindergartens right across Australia.

We as a parliament should provide bipartisan support for quality early childhood education. We have heard enough nonsense from those opposite. We have heard enough excuses and we have heard enough claims that there is not the evidence to suggest that this is necessary—because, overwhelmingly, there is.

Ms Butler: Is this motion seconded?

Ms O'Dwyer (Higgins) (12:30): I refer to the question of funding that the member for Adelaide just raised. I think it is worth tackling this head-on. She talked about uncertainty in funding arrangements. While the previous government certainly talked the talk about funding arrangements regarding the national partnership agreement and 15 hours of preschool beyond 2014, they made absolutely no provision for it. In fact, it is this government, the Abbott government, that is providing certainty for the sector by providing an additional $406 million to enable preschool programs to continue under current arrangements for 2015.

I would like to address a couple of the issues here. We are talking about childhood education and the development of children in their early years from both a social and an academic perspective. Certainly, we on this side believe very much that it is important to have flexible, accessible and affordable early learning and child care. To this end, we commissioned the Productivity Commission review—the largest review of its kind since the 1990s. We also had Deloitte Access Economics help inform the ministerial education council on the performance of the national partnership agreement and, specifically, the mandatory provision of 15 hours of kindergarten per week. Any future government decisions on preschool policy will be informed by these works as well as the Federation white paper.

This careful, systematic and holistic approach to the early learning and childhood sector is at complete odds with the previous government's approach. By contrast, the Rudd-Gillard-Rudd government mismanaged this vital sector through ill-conceived, piecemeal and poorly implemented policies. They allowed themselves to be clouded by the shared desire to provide the best for our children, resulting, though, in policy by thought bubble and, I suspect, in the case of the one-size-fits-all mandatory 15 hours of kindergarten per week, a solution in need of a problem. It is because early childhood learning and quality child care is so important that the government must consider the taxpayer's investment in, and the regulation of, the sector very carefully to ensure that we are actually achieving defined and positive aims. Good intentions, while necessary, are just the beginning and should never be confused with good outcomes.
Labor's legacy in the early childhood and child care sector—about which we heard nothing from the previous speaker—is very poor. Childcare fees increased 53 per cent under six years of Labor. That is $73 extra a week for a family using the average hours of child care a week, or 27.7 hours of long day care. Labor's national quality framework regulatory changes cost families not an extra 57c a week but, for a long day care centre with 15 staff and 75 places, $140,000 annually. That is $2,000 per child or a massive $38 per week per family.

This experience is well known to me at a local level, as one of my local Higgins kindergartens specifically budgeted between $10,000 and $15,000 for the additional cost of implementing the national quality framework in 2013 alone. This is a huge sum for a not-for-profit community-run organisation. With regard to the mandatory increase from 12 to 15 hours of kindergarten per week as part of the national partnership agreement, the transition for many kindergarten providers was extremely costly and had a significant impact on program times, staffing arrangements, voluntary committee workloads, fees and accessibility. Again, one of my local kindergartens, in order to achieve an increase for their existing cohort of four-year-olds to 15 hours per week, had to actually reduce their total number of places for three-year-olds. This meant fewer children attending the kindergarten and therefore higher fees. However, it also meant fewer families available to support kinder through voluntary committees and fundraising activities, which are also critically vital for their viability.

The member for Adelaide's motion says that the proportion of children attending 15 hours of kindergarten per week has increased from 12 per cent in 2008 to 56 per cent in 2012. This is hardly surprising, given that the government mandated the increase. However, this figure alone is not proof of the merit of the change, nor does it necessarily justify the return on taxpayers' increased investment. In fact, it is surprising that the figure is not higher, and that perhaps reflects how difficult and how costly the transition has been. We on this side take a common-sense approach which will enable the government to consider the Productivity Commission and Deloitte Access reviews and the federation white paper with a view to maximising the billion dollar investment in the sector to ensure it is actually for the benefit of Australian families and their children, both in the form of services provided and for the taxpayer, who, whether through their taxes or through the previous government's irresponsible debt, will ultimately foot the bill.

Ms Butler (Griffith) (12:35): Early childhood education and care is so important for children's development and for so many other benefits that our society derives from it. The motion that my colleague the member for Adelaide has moved today recognises that.

Some of those wonderful community benefits that are obtained from early childhood education and care are obvious when you visit community kindergartens, preschools and childcare centres that all provide kindy programs. For example, in the last few months I have visited so many kindies in my local area, such as the Camp Hill kindy, the Harty Street kindy, the Scott Street kindy, Bulimba kindy's AGM, Holland Park kindy, Malcolm Street kindy and Cannon Hill kindy to see some of the amazing work that the teachers and parent volunteers are doing there for early childhood education and care.

Of course, the benefits are not just borne out on the faces of the kids, the parents and the teachers; international research demonstrates some of the benefits of early childhood education and care. As my colleague the member for Adelaide said, the OECD's Education at a glance 2014:OECD indicators states:
A growing body of research recognises that ECEC—
that is, early childhood education and care—
brings a wide range of benefits, including social and economic benefits; better child well-being and
learning outcomes; more equitable outcomes and reduction of poverty; increased intergenerational
social mobility; higher female labour market participation and gender equality; increased fertility rates;
and better social and economic development for society at large.

The decision by all jurisdictions to agree on the 15 hours of early childhood education in the
year before school was made in reliance on a study called 'Effective Provision of Preschool
Education,' which found that attending preschool for 15 hours a week had significant positive
gains in cognitive development. An Oxford University study has been tracking the progress of
3,000 English children since 1997, which found that up to two years of quality preschool was
pushing up school test scores for 16-year-olds by 51 points.

There is so much evidence in support of the need for quality early childhood education and
care. That is why I am so proud that Labor has worked so hard over many years to promote
preschool education. In fact, if you read Gough Whitlam's 1969 election speech, one of the
commitments that was made in that speech was to preschool education being available for all
children, and of course he repeated that in 1972. More recently, Labor in 2008 worked very
hard to bring about universal access funding for preschool and kindergarten. Previously, just
12 per cent of Australian children received those 15 hours or more of quality education in the
year before school. In 2012 that figure had risen to over 56 per cent, so there has been a sharp
increase in participation in early childhood education and care in the year before school for
Australian children. It is highly valued by parents. Funding for this universal access to
education is so highly valued by parents that they have been making really clear, through
some of the work that has been done through the parents group The Parenthood, just how
important this funding, and early childhood education and care, is for them. Of course, The
Parenthood worked very hard to try to bring to this government's attention the importance of
eyearly childhood education.

As you know, quite regrettably, the Abbott government's first budget did not commit to
funding for early access into 2015. Groups like The Parenthood campaigned very strongly on
that issue and I know that, for example, The Parenthood arranged for thousands of emails to
be sent to the government. There was a letter-writing campaign, a postcards campaign and
personal letters sent to ministers and consequently, unfortunately belatedly, on 5 September,
the assistant minister announced that there was now agreement to extend universal access
funding into 2015. That is fine insofar as it goes, but it is only a 12-month extension. Parents
and educators want certainty about what is going to happen to the 15 hours of universal access
funding. That is certainly the case in my local area, and it seems to be the case nationally as
well. We know that the Productivity Commission's draft report contained a recommendation
to the government to continue to provide that funding for those 15 hours a week. What we
need to see from this government is a commitment for ongoing support for the universal
access funding, and that is why I am pleased to rise to support this motion today.

Mr WILLIAMS (Hindmarsh) (12:40): It gives me great pleasure to speak on this motion
today, because recently I met with a number of childcare operators: the Camden Park Child
Care Centre, the Camden Community Centre and the Forbes Children's Centre. I also met
with the local kindergarten in West Beach, where my children went—and Rosa and the team...
do a great job there. These operators are mainly women who are all very passionate about education for children, as we all are. It was great to discuss with them the work, what they do with their local kindergarten and the high-quality guidance they give the children and the benefit to their families.

I also had the Assistant Minister for Education, Sussan Ley, in my electorate with the industry roundtable, again listening to what people had to say about the importance of education. We are committed to education, especially early childhood learning. We have heard of the $406 million that we have committed for 15 hours of preschool per week until 2015. We have also heard that Labor did not allocate one cent to extend the preschool national partnerships beyond December this year. So there is a distinct difference in the two approaches. Overall we are investing close to $30 billion in childcare fee assistance over the next four years to ensure that delivers maximum value for Australian families and taxpayers.

Just going back a step as to why early childhood learning is important, we have heard a lot of reports and evidence and it is fairly conclusive. Recently there was a study by the University of London and the University of Oxford on influences of student's development from ages 11 to 14 and how high-quality preschool shows beneficial outcomes 10 years after their experiences in early years—in particular, better results in maths, science and English and better social behaviour at age 14. We have also heard, in such studies, of students who succeeded against the odds who were helped by parents, friends and, importantly, their communities—and through this they had installed higher aspirations. Again this importance of the parents and the home learning environment is something that should not be forgotten.

Just back to some other studies that I want to touch on too in terms of language development in the early childhood years: there was a study in Northern Ireland, and also in England, where by the time that the children were 11 those that had a very strong early childhood development program gained better results in English and maths at those ages. Children who attended high quality preschools were 2.4 times more likely in English and 3.4 times more likely in maths to attain the grade at age 11 than those without preschool. The body of evidence extends to the World Bank, where they have also looked at evaluating programs and the benefits for children, families and communities in terms of higher levels of social and emotional functioning.

Why is this important for today's motion? As a parent with young children, who have just finished their early childhood years, I was not fully aware of the importance of the early childhood years in terms of their development in literacy and maths, and it made me think about this in a bit more detail. I took some interest in going to Fraser Mustard, who has sadly passed away but who was a world expert in this field. I could not recall the South Australian state Labor government actually promoting this to parents with young children like me. And I thought that was a deficiency in what they were wheeling out in that respect. We needed to know more as parents about the benefits and how we could influence our children and help educate our children with that home environment being so important, as well as selecting good early childhood learning.

I would like that to be put on the record as a change that state governments should undertake to get that message out to parents in a far better way than they have in the past. As we heard my good colleague the member for Higgins talk about, the Productivity Commission and following it is a line to our commitment to make childcare more affordable, flexible and
accessible. We have heard a number of great submissions and comments from families and childcare centres around Australia to make a better system going forward as part of our overall strategy.

Just going back to the issue of early learning languages in terms of childhood development: we have committed $10 million to test the effectiveness of providing preschool children with exposure to a language other than English through online learning programs. When we have signed major free trade agreements with massive trading partners of Australia, it is so important that we understand their culture and their language. This is another example of our commitment not just to early childhood learning but to how it follows through to a better society.

**Mrs ELLIOT** (Richmond) (12:45): I rise to support this motion, by the shadow minister and member for Adelaide, about the importance of quality early childhood education. We value that so much that in government Labor committed to making sure there was more funding, because we understand the importance of quality early childhood education. The fact is that there is a large amount of evidence that this high-quality early childhood education has enormous benefits. I certainly have seen it firsthand in my electorate. I would like to take the opportunity to acknowledge and thank the outstanding work of the hardworking childcare workers in my area and also acknowledge the childcare centres as well. But those workers do a fantastic job. Yet, despite all the benefits that are provided by early childhood education, this government, the Abbott Liberal-National government, continues to refuse to commit to supporting this very crucial year of early education. Instead, since coming to office, it has already announced $1 billion of funding cuts to early childhood education.

The fact is that investing in early childhood education has massive developmental benefits, which have a positive effect on a child's abilities and, of course, also their future life opportunities. It was the Labor government that first negotiated the National Partnership Agreement on Early Childhood Education to provide universal access to preschool and kindergarten, making sure that every single child in Australia could access this very crucial part of their education.

In 2008, before Labor introduced this universal access funding for preschool and kindergarten, just 12 per cent of Australian children received at least 15 hours of quality education in the year before school. In 2012, that figure had risen to over 56 per cent. Research shows that children who attend preschool go on to score significantly better in year 3 NAPLAN tests and in year 4 reading, maths and science, yet this government continues to provide uncertainty through its lack of an ongoing funding commitment. This is even with the evidence staring it in the face: international and Australian research has shown that at least 15 hours of preschool education per week in the year before school has such lasting positive impacts on the educational and social outcomes for children throughout the rest of their education and throughout the rest of their life.

If we look at what federal Labor did, we provided $970 million over five years for universal access and topped that up with an additional $660 million to make sure that states and territories were reaching the target of 15 hours per week, especially reaching out to disadvantaged children so that they got the early education that they needed. We do know that it is so incredibly important when it comes to early childhood education, because many preschoolers begin their first year of formal schooling, usually kindergarten, with varying
levels of literacy skills. This variability is largely affected by their home environments but also by the availability of quality early childhood education programs. We know that a child's preschool entry literacy skills are a significant predictor of their first grade reading scores and that poor literacy skills of the start of preschool are more likely to lead to poor reading skills in grade 1. All of this highlights the need for targeted and very specific programs focusing on early childhood education. In fact, the CEO of the Benevolent Society, Joanne Toohey, said:

One in five children starting school—
or 22 per cent—
is 'vulnerable' in one or more areas of development. For Aboriginal and Torres Strait Islander children the rate is double this, at 43 per cent. We know that early childhood education and care enhances child development and makes a significant difference to children's school readiness and performance in later life, particularly for disadvantaged children, if the services are of a high quality.

So we know that investment in early childhood education helps all children achieve their full potential.

Evidence also suggests that there is an economic value in investing in the national quality framework. In their report Putting a value on early childhood education and care in Australia, PricewaterhouseCoopers outlined some of the long-term benefits from increasing childhood participation in quality early care and education. The modelling used within the report shows that children receiving quality early childhood education and care—defined in the report as 'education and care which either meets or exceeds national quality standards'—would generate up to $10.3 billion.

It seems, though, that the future of our children and their preschool education is just being ignored by the Abbott Liberal-National government and is subject to more of their cruel and unjust cuts. The government seems determined to undermine the hugely successful national partnership agreement, which, as I said, was introduced by Labor in 2008. We know that, without funding certainty, contact hours could be reduced, services closed or staff laid off, and that would make the pressure on other childcare centres very great as well.

I, like others who are speaking in support of this motion, call on the government to provide certainty of funding for kindergartens and preschools, with the continued goal of ensuring that every child receives 15 hours of quality early education a week in the year before school. We see the facts and we know what a difference it makes—and we know how important it is to a child's education and also to their future livelihood.
kindergarten. Queensland children are being well prepared for their exciting future. By creating the habit of learning early, Queensland children are setting themselves up for the future as lifelong learners. This does not happen by accident. It happens because of quality early childhood education.

It is about here that I begin to have trouble with the rest of this motion. It goes from nonfiction to fiction. In fact, it is a rather wonderfully created work of prose. The trouble is that it has as much in common with reality as *The Magic Pudding*. I understand that those opposite find themselves in a bit of a bind over education in general. They keep trotting out the fabrication that this government has cut, or will be cutting, $30 billion from education, in stark contrast to the actuality—the coalition government being the highest-spending Australian government on education in history. Even ABC Fact Check has investigated the opposition claims and found them to be incorrect. Yes, there was a requirement for the review of the National Partnership Agreement on Universal Access to Early Childhood Education, as was put in place by the then Labor-Greens alliance. If any uncertainty has been created by this review, then the blame for that lies flat at the feet of those who drafted the legislation. As we have seen far too many times in this parliamentary year, the Abbott government has had to clean up the mess left by the previous Labor-Greens unholy union. Repeal bill after repeal bill and amendment bill after amendment bill have been introduced to fix bad legislation.

Here we have just another example of the lack of forethought from those opposite. The funding agreement expires on 31 December 2014, but Labor and the Greens only allowed a six-month window—less, when you realise that parliament rises on 4 December—in which to conduct a review of a new program. Then, of course, review findings need to be discussed and signed off by the states and territories. This takes time, as it should—time which the framers of the bill thought they could just jump into their TARDIS and create. The coalition government offered to expedite the review, which required the states and territories to provide information in a timely fashion. Unfortunately this did not happen, so the process was slowed again. Thankfully for the children of Australia, there is a competent economic manager in charge of the budget now, so there was a contingency reserve to cover funding should the review take longer than expected. Indeed, they usually do.

It also seems odd to me that the childcare rebate and the childcare benefit, both introduced as part of the family tax benefit after the introduction of the GST, have been heavily derided by those opposite. The family tax benefit has been called 'nothing but middle-class welfare' by Labor since it was introduced. This is from the same party that took 86,000 single mothers off the single parenting payment and put them on Newstart allowance, making them and their families $100 a week worse off, while increasing their childcare fees by 53 per cent. As a consequence, while I agree with certain parts of this motion, I find myself unable to support the gross misrepresentations presented before the House by the member for Adelaide. She knows full well that the delay in entering into a formal agreement with the states and territories is the doing of her party. Therefore, I reject this motion.

Debate adjourned.

**Great Barrier Reef Marine Park**

**Mr ENTSCH** (Leichhardt) (12:55): I move:

That this House:
(1) acknowledges that Marine National Park (Green) Zones as defined in the Great Barrier Reef Marine Park Zoning Plan 2003 serve to better protect the biodiversity within the Marine Park and help to ensure:

(a) the continued existence of the unique marine animals, plants and habitats that are found only in the Great Barrier Reef and provide additional protection for threatened species such as dugong and marine turtles;

(b) those industries that rely on the health of the Marine Park are able to continue, providing social and economic benefits to local communities and the wider economy;

(c) a diverse range of other benefits and values of the Marine Park, including recreational, cultural, educational and scientific values, are protected;

(d) that future generations are able to continue to use and enjoy the Marine Park;

(e) the Great Barrier Reef World Heritage values are protected; and

(f) the ecologically sustainable use of marine resources by traditional owners consistent with their traditional practices, are provided for;

(2) accepts that Marine National Park (Green) Zones can be beneficial in:

(a) protecting spawning areas and nursery grounds;

(b) minimising damage to important habitats;

(c) providing refuge for protected species, such as turtles and dugongs; only

(d) boosting species numbers, which helps the food web as a whole;

(e) increasing the abundance of fish; and

(f) building the resilience of the reef against threats such as climate change and water pollution;

(3) affirms the Native Title Act 1993 which recognises the right of certain traditional owners to hunt and gather in their sea country and that native title holders may undertake traditional use of marine resources;

(4) recognises that the Great Barrier Reef Marine Park Authority is working with traditional owners for the protection of the Great Barrier Reef, by expanding the Traditional Use of the Marine Resources Agreement program and strengthening communications between local communities, managers and reef stakeholders;

(5) acknowledges the value of the Ranger Program in providing job opportunities for Indigenous people to care for their country, take on important skills, develop career pathways, protect dugongs and turtles and manage environmental threats stemming from feral animals, among other benefits;

(6) calls on the:

(a) Australian Labor Party and the Greens to pass the Environment Legislation Amendment Bill 2013 which will enable a tripling of penalties for those poaching turtles and/or dugongs; and

(b) relevant parties to work, as a priority, with traditional owners to progressively increase the protections afforded to threatened species, such as turtle and dugong, through traditional use marine resource agreements and other appropriate means, seeking to:

(i) where traditional rights under the Native Title Act 1993 apply, seek agreement with traditional owners to prohibit the capture and killing of any species from designated Green Zones within the Great Barrier Reef Marine Park area;

(ii) continue to allow certain activities to take place with a permit, such as research and management programs for fauna and flora where they pose a threat to humans or the environment, as per existing regulations; and

FEDERATION CHAMBER
(iii) introduce legislation to prohibit the taking of marine species, including seabirds, in designated Green Zones within the Great Barrier Reef Marine Park Area, where other efforts have proven to be inadequate;

(7) in the interest of supporting the policing of turtle and dugong product that is transported for commercial purposes, prohibit the movement of native species, taken under the *Native Title Act 1993* outside the area in which it is caught; and

(8) recognises that these initiatives would complement a range of measures already being implemented under the Government's Turtle and Dugong Protection Plan and Community Management Plans, which will enhance the protection of marine turtles and dugongs in Far North Queensland and the Torres Strait.

I rise today to speak on this motion. I seek to put in place measures that will afford greater protection for our marine creatures within the protected zones of the Great Barrier Reef Marine Park and also to hold accountable those very few individuals who continue to abuse the traditional rights of native title hunters by slaughtering these creatures in numbers that are totally unsustainable, certainly very inappropriate and very much not in the spirit of native title.

We all know that the Great Barrier Reef Marine Park is something that is under a tremendous amount of scrutiny. We all love it and we all appreciate the value of it. We also know that the green zones have been put in place where there is absolutely no taking of any species whatsoever. They are there to protect biodiversity. We also know that in those areas, particularly up around places like Green Island and Michaelmas Cay, there is a huge amount of human interaction where, in many ways, the tourists are educated by these creatures and appreciate the beauty of these creatures. These creatures become very, very quiet because there is no threat to them.

Unfortunately, what we are seeing is a very small number of individuals who are going out there and slaughtering these creatures on a regular basis. If I could just describe it to you: they will take turtles out in front of visiting tourists, rip the turtles out onto the beach, rip their guts out and leave all of the entrails on the side of the beach. A very upset ranger has to clean up the mess while they take away that meat. They will come back time after time after time. They will swim around snorkellers on the reef and spear fish. Through glass bottom boats, the tourists have seen them take 80-year-old clams, cut out the clams and take them away for no other purpose than the fact that they can do it. This, of course, is very distressing for tourists. It is very distressing for visitors to the reef. It is also very distressing for a lot of the traditional owners.

We have ranger programs there. We have the Yirganydji people of Cairns and Port Douglas who have focused on identifying the illegal activities that are occurring in the marine park. We have the Lama Lama people from Princess Charlotte Bay and the Normanby River, who are addressing compliance activities, research and education. We have a whole range. More recently, the Gunggandji people south of Cairns have just gone into a memorandum of intent. All these things are great, but, unless we have the legislative power behind them to protect them when they go out there and say, 'You can't do this in these green zones,' really they are powerless. What I am arguing is that we need to have that legislative authority to say that the taking of these creatures in these protected zones is prohibited for everybody. That gives them the legislative power to enforce that. I am arguing that very strongly.
The other issue that I am pushing very strongly on is the transportation of the meat. You see dugong and turtle meat coming regularly through the airport, packed up in cryovac boxes being sent all over Australia. That is not the intention of the Native Title Act. I totally support traditional hunting, but the meat should be consumed in those traditional areas for the ceremonies that are supposed to be there, not packed up and sent all over the country where you have no control on whether or not it is commercial.

It makes enforcement of this impossible for our legal authorities. So what I am saying is that we need to insist that that meat, wherever it is taken for traditional purposes, has to be consumed. It cannot be packed up and sent around the country so that people can have taste tests of this type of meat. These animals are vulnerable and we are being continually criticised because of our lack of action in the southern seas in relation to what the Japanese are doing over there. How can we do that—

A division having been called in the House of Representatives—

Sitting suspended from 13:00 to 13:16

Mr CHRISTENSEN (Dawson—The Nationals Deputy Whip) (13:16): I thank the member for Leichhardt for his private member's motion and I acknowledge the work that he does in his large area across Far North Queensland. This is a motion about sustainability, about recognising the value of creatures such as turtles and dugongs to the environment and also to Australian industries, recreation, culture, education, science and tourism. This motion is about ensuring future generations can enjoy those same benefits.

There is no intention here of inhibiting traditional hunting rights for traditional and ceremonial purposes. In fact, this motion affirms the Native Title Act 1993, which recognises the right of certain traditional owners to hunt and gather. It is important to strike a balance between rights and responsibilities, and we already have communities on the Queensland coast working hard to strike that balance. I have spoken to a number of Aboriginal and Torres Strait Islander leaders, including Tony Irelandes from Mackay, who related to me how the community there already monitors traditional hunting and the sustainability of marine resources. He actually endorsed the motion that my colleague has brought here today.

I also recognise the great work of the Gudjuda people in the Burdekin, where community leader Eddie Smallwood works with a network of Indigenous rangers who monitor the coastal area and also turtle and dugong hunting practices. I have spoken with Eddie about extending the network to have permanent Indigenous marine rangers to monitor the seas for illegal hunting of these marine animals. I see this fitting into the motion that the member for Leichhardt has brought before us today.

Dugongs are currently listed as vulnerable both in Queensland and internationally. Green turtles also are listed as vulnerable in Queensland and as endangered by the IUCN. Green turtles live in seaweed rich coral reefs and coastal seagrass pastures in tropical and subtropical areas of Australia, but the entire reef is an important feeding area for the green turtle. Commercial harvesting of the green turtle in southern Queensland was closed in 1950 due to concerns about sustainability and, as a result, the numbers of nesting turtles on Heron Island, for example, have tripled.

There are a number of factors that put pressure on dugong and turtle populations, including habitat degradation from things like cyclones, injuries to animals from boats, starvation due to
seagrass dying off, illness or death due to plastic being ingested or animals being caught in nets, predators such as feral pigs eating turtle eggs and hatchlings on the beach and also, unfortunately, traditional hunting. Traditional hunting does place an added pressure on these populations, especially when some of the practices are carried out in the name of traditional rights but not in the spirit of those rights. Some of these activities have been reported in the Cairns media, notably the Cairns Post front page of 10 November 2011: 'Slaughtered in front of tourists'.

These activities have not only had an impact on local populations but on the sustainability of the tourism industry, which is crucial to a place like Cairns, as it is to my electorate with the Whitsundays. The Cairns Post also reported on 8 December of that year that an elder said it was 'time to start prosecuting hunters'. The article reported that 'Tourism operators and traditional owners have called for an end to the slaughter of endangered marine life at Green Island, following a recent spate of turtle killings by hunters. Tourism operators and tourists have reported at least 14 turtle killings in the past month. It is feared the suspected overkill will wipe out the area's turtle population within months.'

There is no need to completely ban all hunting of turtles and dugongs. There can be a compromise that allows traditional hunting and also supports sustainable marine populations. In areas where populations are in danger, green zones should apply, and that would mean no one takes what is left of the local population in those zones, regardless of whether your heritage is Indigenous or non-Indigenous. In areas where the population can withstand a limited harvest, some rules need to apply to avoid the abuse of traditional hunting rights. Turtle and dugong meat should not be transported from the place where it is caught; it should not be sold; it should not be cryovaced; it should not be brought out and paraded around for non-Indigenous people to sample. It is important to note that such regulations would only affect a very small portion of the population—that is, the people who abuse the system.

The government has introduced measures to ensure sustainability in the reef, including a $40 million commitment to the reef trust. We are providing a further $5 million for dugong and turtle protection, including $2 million for specialised and Indigenous ranger programs; $2 million to the Crime Commission to investigate the practice of illegal killing, poaching and transportation of turtle and dugong meat; $700,000 towards cleaning up marine debris, and I have spent some time with Eco Barge Clean Seas doing that; $300,000 to support the Cairns, Fitzroy Island Turtle Rehabilitation Centre. This motion supports these measures, and I support this motion. I second the motion.

Ms MacTIERNAN (Perth) (13:21): The case has been well made by the member for Leichhardt, as to why there is a need for some change in the legislation, to bring the legislation back to the original intention. The traditional hunting rights are very important and it is important that we protect those rights. If we see that there has been an inappropriate use of those rights, then of course we have to take steps to ensure that this is contained; otherwise, we do threaten the viability and the long term sustainability of those populations.

It is recognised that the traditional hunting practices—where this meat would only be available to people who live locally—is obviously far more sustainable than trying to feed populations that access the product via freezing and plane travel. So we do not have a problem with that fundamental principle and indeed we would not oppose that legislation.
But I have to say that I am concerned that this matter is perhaps being used to paper over some much bigger concerns. We know that it has become a matter of some international celebrity, or notoriety, that Australia may in fact not be doing enough to save the Great Barrier Reef. We know that the view of the President of the United States and indeed many environmentalists around the world is that one of the biggest threats to the Great Barrier Reef is climate change. We note the great deal of huffing and puffing by the Foreign Minister and the Trade Minister. They have been writing missives back to President Obama, telling him that they have this wrong, and that we are doing an enormous amount of work on the Great Barrier Reef. They are saying 'these threats you are talking about just do not exist'. That has probably got something to do with the fact that there has been a fairly radical dismantling of the capabilities within the Great Barrier Reef Marine Park Authority over recent times. I note that many people have now left the organisation—I think we have had five directors and a dozen other staff who have decided to leave. Many of them have gone public, including the authority's former climate change director, Paul Marshall, who said:

... it's a huge hit—
on that part of their research endeavour—
and it's a hit at a time when we need more expertise and more capacity to deal with these issues …

Dr Marshall had been with the authority for 14 years. He said:
Sometimes we had eight to 10 people working on climate change. Now you can't point to one who is entirely focused on climate change.

So, quite clearly, we have here a system where the government is going around saying, 'This is not a problem.' No doubt they are getting some advice from an organisation that has had, as I said, its capabilities very seriously eroded.

We know that there has been a $2.8 million cut to the authority's budget. This, combined with the authority's decision to support the dumping of dredge spoil, has led to a massive decline in the morale in that agency. This fall in morale is the reason why we are seeing so many very senior staff leave the authority—at a time when we know that there is concern from UNESCO's World Heritage group as to whether or not the reef as a whole is being endangered, when the properties that led to the World Heritage listing are being undermined by a decision such as this. We have seen reduced the amount of money that is available to the authority. We have seen a restructure and what appears to be a systematic dismantling of the independence of that organisation and its ability to be out there protecting the reef.

Mr BUTLER (Port Adelaide) (13:27): I appreciate the opportunity to speak on this motion by the member for Leichhardt. It is rather a long motion—it took me a while to read it—but it deals with a number of very important points which have been the subject of significant national discussion over the last little while in relation to the Great Barrier Reef, Australia's most important environmental asset and one of the seven natural wonders of the world.

A significant part of the member for Leichhardt's motion deals with the issue of the poaching of turtles and dugongs, which are protected species, iconic species, in the Great Barrier Reef World Heritage area, or the marine park. I know that the member for Leichhardt has had an interest in changing the law to curtail practices that I think are generally accepted to be happening in that area—that is, the poaching of turtles and dugongs in a way not
protected by the Native Title Act. There is general, very broad agreement across the parliament that traditional owners have the right to continue their traditional hunting practices, but there are practices going on in this area that go above and beyond protections under the Native Title Act.

I think I indicated to the member for Leichhardt when the bill was first introduced that we were happy to provide the support of the opposition to this bill. I understand the member for Leichhardt's frustration at the fact that the bill is not able to be brought back on because it seems to attract a very substantial number of amendments from minor parties and crossbenchers. Such is the nature of a robust parliament. I note that the member for Leichhardt, in his motion, calls upon the Labor Party to support the legislation in the parliament and to support it being called back on. The Labor Party have not moved amendments to this legislation, and we will support a vote on the turtles and dugongs provision as and when it arises in the House or the Senate. But equally, when amendments are presented by one party or another, or one crossbencher or another, the Labor Party have an obligation, as the government parties do, to take a view about them and vote accordingly. I understand the member for Leichhardt's frustration about that, but there is nothing much that we can do about that from opposition.

I do want to indicate on the record that the Labor Party, in government, took these issues very, very seriously indeed. A number of the programs that we supported are reflected, at least in part, in the motion by the member for Leichhardt, particularly our work as a government with state and territory governments—obviously the Queensland government—traditional owners and other stakeholder groups as well as commercial fishers in the area. We invested $7 million in Indigenous self-management and focused particularly on the development of community based sea country management plans with the support of traditional owner involvement. We also supported Indigenous ranger teams to remove ghost netting in the area. In broad terms, our approach was based on our respect for the customs and the traditions of Indigenous Australians, working with those traditional owners to get to a point which I think that, broadly, traditional owners and the government agreed upon.

I do want to say, though, about this area, following on from the comments by the member for Perth, that, while we support the thrust of this motion from the member for Leichhardt, there are still very, very serious debates—as I am sure the member for Leichhardt knows as much as anyone in this place—about the management of the reef. It is important that I say as the shadow minister for the environment that some of the commentary over the last couple of weeks has not been helpful in helping us to come together on those things which we can agree upon.

We should be able to agree upon the fact that the Great Barrier Reef is under significant threat by climate change. Every serious scientist in the area says as much. Indeed, page 1 of the Great Barrier Reef Marine Park Authority outlook, which is the five-yearly report that the authority presents to the parliament and the government of the day, indicates that this is the most significant long-term threat. I understand the government's sensitivity about some of the public debate during the G20 meeting, but it is not helpful to try and present a united front from this parliament to the World Heritage Committee, for example, when basic scientific facts like the significant threat faced by the Great Barrier Reef from climate change are denied by very senior members of the government.
Debate adjourned.

Sitting suspended from 13:32 to 16:00

STATEMENTS BY MEMBERS

Run for Your Lifeline Canberra 2014

Dr LEIGH (Fraser) (16:00): It was my pleasure yesterday to participate in the Lifeline Canberra half-marathon on the about-to-be-opened Majura Parkway. It was a great sporting event, and I pay tribute to the Lifeline team, including Carrie-Ann Leeson, Matt Heffernan and the volunteers who were there. Many of the Lifeline staff took part in the event itself, including phone counsellor Susana Silva and her dog, Obama.

Lifeline Canberra is a great charity which is committed to helping Canberrans and which has been arguing forcefully against the Abbott government's attempts to get rid of the Australian Charities and Not-For-Profits Commission. The ACNC has served Australian charities well, and four out of five Australian charities support its retention. So it continues to bewilder me that Minister Andrews wants to scrap the charities commission, in the face of the overwhelming view of the sector. The charities commission helps donors and charities, and helps protect Australians against scams.

Yesterday's fun run was also significant because it took place on the Majura Parkway. The Majura Parkway is a piece of public infrastructure that I fought for and was delighted to see the former Labor government fund. It never would have been funded by a coalition government; but a Labor government gave it $150 million. It will serve to take the traffic pressure off the streets of the north side and allow more trucks to avoid the Canberra CBD as they service the airport.

White Ribbon Day

Ms HENDERSON (Corangamite) (16:01): Tomorrow is White Ribbon Day, an opportunity to raise awareness about domestic violence, particularly violence against women and children. I call on our community to continue to work together to stamp out such violence and encourage the wearing of a white ribbon to show your support.

Today in Parliament House, Prime Minister Abbott joined Australian and New Zealand police commissioners to declare that the prevention of violence against women and children is the responsibility of everyone in society. The 'stand together' event was hosted by the Minister Assisting the Prime Minister for Women, Senator Michaelia Cash. The coalition government has committed over $100 million towards the second action plan under the National Plan to Reduce Violence against Women and their Children.

Last Saturday night, I was very pleased to represent the Prime Minister at the Alannah and Madeline Foundation's Starry Starry Night gala ball. The foundation, chaired by John Bertrand, is doing a wonderful job in striving to protect children from violence and its devastating impact. Recently, I also attended Colac's White Ribbon Ball, a fantastic community event.

On average, one woman is killed every week as a result of immediate-partner violence and one in four children are exposed to domestic violence. People like Rosemary Batty, who lost her son, Luke, in the most tragic of circumstances, are an absolute inspiration. As a nation, as
a community, we must do everything we can to stamp out violence against women and children.

**Australian Broadcasting Corporation**

Ms HALL (Shortland—Opposition Whip) (16:03): I was devastated today when I learnt how the Abbott government's cuts to the ABC were going to impact on my local area. ABC Newcastle 1233 has been downgraded from a metropolitan station to regional station. This means that a third of the staff at 1233 will be going. It means that shows such as Carol Duncan's afternoon show, which is a fantastic show, will be axed. When the bushfires hit Lake Macquarie and the Central Coast last year, Carol played a vital role in getting information out to those communities. She is a fantastic worker, she has a wonderful show and she gets across a wide variety of subjects. The fact that that show has been cut is devastating. In addition, the Sunday program with Helen Clare is being axed. Once again, it covers a wide variety of topics, a very broad range of subjects.

It demonstrates very directly how little concern the Abbott government has for the people of Australia. The government says one thing before the election and another thing after the election. I would think that all members, on both sides of this House, would be up in arms about these cuts to the ABC and SBS.

**Capricornia Electorate: Cathedral College Boarding Facility**

Ms LANDRY (Capricornia) (16:04): Country families from remote parts of Capricornia and the city's economy in Rockhampton will benefit from a new $6.5 million Rockhampton school-boardng facility. Recently I had the pleasure of officially opening the boys boarding accommodation at Cathedral College, with Rockhampton's Catholic bishop, Michael McCarthy. Nearly $2.9 million of this project was funded by the Australian government. This project will provide a diverse range of jobs and will boost the education of country students. Country kids often miss out a lot because of their remoteness and, for many of our hardworking country families, boarding school is the only way to ensure that their children have access to the same opportunities as city students.

A project like this makes a significant contribution to Rockhampton's economy in the form of jobs related to design, construction, electrical wiring, plumbing and business for companies which supply raw materials. The accommodation facility will also provide ongoing opportunities for our small business sector, such as wholesale food, catering, kitchen and laundry services. I would like to acknowledge the contribution of school principal Rob Alexander; education director Leesa Jeffcoat; and bishop Michael McCarthy.

**Banking: Remittance Services**

Mr BANDT (Melbourne) (16:06): I rise to inform the House today that thousands of small remittance companies are facing closure. One by one, Australian banks have closed the accounts needed to facilitate international transfers because of perceived risks under international and national counter-terrorism laws. Today the final one of the big four banks working with remitters, Westpac, is closing its accounts. Without government action, companies will no longer be able to operate from tomorrow. There are over 5½ thousand remittance service providers registered in Australia, employing thousands of people, who might be staring down the barrel of closure. Terrorism financing must of course be combated, but the current approach will harm families sending legitimate transfers of small sums of
money to loved ones overseas. These closures will affect communities across Australia and their families around the world, but the effects will be particularly felt in Somalia as well as in Eritrea and elsewhere in East Africa. Because there is no formal banking system in these countries, there is simply no alternative for communities in Australia to the services of small remittance companies. If these accounts close, Australians will no longer be able to send money overseas from tomorrow. The social, humanitarian and security effects of this would be devastating. About 40 per cent of households in Somalia depend on remittances from overseas. In parliament today are representatives of the remittance sector. I have collected a community petition with over 5,000 signatures. We need action. I wrote to the finance minister about this over a month ago. The government is asleep at the wheel. Thousands of people are about to be hurt and businesses are about to close. \(\text{Time expired}\)

**Moorambilla Voices**

**Mr COULTON** (Parkes—The Nationals Chief Whip) (16:07): Moorambilla Voices tells the story of the outback choir that was put together by artistic director Michelle Leonard. The documentary that is on ABC next Sunday night, 30 November, charts a small section of the children in this choir. It features Taylah Donnelly from Brewarrina; Mack Holz and Kyhnan Samuelsson from Lightning Ridge; and Opal Trumper from Grawin.

Moorambilla will be marking its 10th year in 2015 and has done a lot to showcase the talents of children from across the region. Moorambilla Voices have ensembles of children, from years 3 to 11. The opportunities through this program offer a life-changing experience to these children who are able to develop their singing and musical potential.

Moorambilla Voices is so special because it operates in areas of geographical isolation and disadvantaged communities. I congratulate Michelle on all the work she has done and her ability to inspire and encourage kids to perform to the best of their ability. I would encourage everyone to have a look at this show, which will show the special spirit, talent and charisma that these kids from the western towns in New South Wales have. As you drive through some of these towns, you will make a decision about what you think of the people who live there. Moorambilla Voices will open your eyes as to the rare talent that the people in these towns have.

**Cunningham Electorate: Fifty Plus**

**Ms BIRD** (Cunningham) (16:09): I would like to report to the House that, in October 1998, some Wollongong citizens who attended the NewDay Church, which was formerly known as the Wollongong Church of Christ, commenced a seniors event. It was called Fifty Plus; however, people of a wide range of ages—indeed, up to 93—participated in the event. It was an entertainment occasion with a resident band and singers who put on a show, along with local entertainers. Along with the entertainment, people got a cooked two-course luncheon for just $10—an absolute bargain—all prepared in-house in the church kitchen. A team of 43 volunteers, led by Ruth Milne, worked very hard to make this event come to fruition.

I was very pleased, under the former Labor government's volunteer program, to be able to get a grant for them that helped purchase kitchen equipment and some whitegoods. They have been doing this, as I said, since 1998. Sadly, they are now at a point where this year will be the last occasion that they will be able to hold this very joyous event. I pay tribute to the team
that put it together and wish them all a very, very hearty and joyful occasion on 3 December for their final Fifty Plus event. Congratulations to all.

**Dawson Electorate: Coal Industry**

Mr CHRISTENSEN (Dawson—The Nationals Deputy Whip) (16:10): There is a downturn in Australian coal, mainly due to global prices being down, which was brought on by an oversupply of the market, but it has not been aided in the last few years by high input costs such as Labor's carbon tax and the sovereign risk created in the form of Labor's mining tax. On the ground level in the Mackay region, we have witnessed the result—thousands of job losses and local businesses closing their doors or drastically downsizing—but it is not all doom and gloom. The Galilee Basin is set to power ahead thanks to investment by Indian energy company Adani and a recent commitment by the Queensland LNP government to help fund the needed infrastructure to get Adani's investment on the ground. We have not seen a commitment to infrastructure and growing the regions like that since the great days of Sir Joh Bjelke-Petersen.

I noted last week a childish and immature BuzzFeed list sponsored by Labor which derided the Prime Minister for saying he believed coal had a future. They do not think coal has a future because Labor's environment spokesman, Mark Butler, went on the ABC advocating for the coal industry to be wound up, and this week we see Queensland Labor's leader, Annastacia Palaszczuk, promising to scrap the infrastructure commitment of the LNP and throw the 27,000 jobs that could be created from the project out of the window. Political commentators have long said that there is a war over the heart and soul of the ALP: on one side the inner-city eco-trendies and on the other side the working class. The battle is over; the war is won—the eco-trendies are waving the green victory flag. Labor has sold out the workers— *(Time expired)*

**Such, Hon. Dr Robert Bruce 'Bob'**

Mr ZAPPIA (Makin) (16:12): Today I pay tribute to Dr Bob Such, who died on 11 October whilst in office as a member of the South Australian parliament after a lengthy period of poor health. Bob Such was the independent member for Fisher, having first been elected to local government in the early 1980s and then as a Liberal member to state parliament in 1989, where he served as a minister in the Dean Brown government from 1993 onwards. He became an independent MP in 2000 and was re-elected as an independent in all subsequent elections.

Bob was a genuinely decent politician who regularly took on the bureaucracy or the government of the day in defence of people who were unfairly treated by nonsensical government policies or laws. He was also a true independent who put the interests of South Australians or common sense first when taking on a political issue. Even though his health had been up and down for several years, Bob soldiered on in public life, making himself very well known throughout South Australia.

I extend my sincere condolences to Bob's wife, Lyn, his sons, Derek, Adrian and Darren, and his other family members, who I know will feel the loss the most but who can also be proud of Bob's political legacy. South Australia has lost a good, honest community representative and he will be missed.
New South Wales Central Coast

Mrs WICKS (Robertson) (16:13): I rise to congratulate the Daily Telegraph and the Central Coast Express Advocate on their campaign for a better future for the Central Coast. In doing so, I commend Gosford City Council, the New South Wales state government and the federal government on their commitment to the Central Coast. I also recognise John Singleton and Monique Marks from the Central Coast Taskforce for their strong passion, advocacy and drive to see more infrastructure and better services for the people in our community.

Since being elected last year, I have talked to thousands of people who all tell me they want to see the Central Coast not only as a region of opportunity, particularly local job opportunities, but also as a region of excellence in all fields. Since my family moved to Point Clare in 1985, I have always loved this region. That is why I am fighting every day to help deliver the coalition’s growth plan for the Central Coast, so that we have more opportunity tomorrow in our region than we have today.

Our growth plan includes our commitment to deliver 600 new jobs for Gosford in a purpose-built Commonwealth centre of excellence by 2017. These 600 jobs will have a significant multiplier effect of hundreds more jobs that will boost Gosford, known as the capital city of the Central Coast, and its impact will be felt right across the Central Coast region.

We have also committed $7 million for a learning hub in Kibble Plex in an old shopping centre complex that I used to visit as a teenager. We are investing in roads including the M1-M2 missing link. We are getting on with rolling out the NBN faster and working to ensure that we have the important infrastructure that our area needs.

Australian Broadcasting Corporation

Ms BRODTMANN (Canberra) (16:15): I rise today to express my outrage that news of job losses and program cuts at the ABC as a result of the Abbott government’s funding cuts. The ABC is set to lose up to 10 per cent of its workforce equalling around 400 jobs. There have been a number of cuts at ABC Canberra including director Liz McGrath along with a producer, who is very well known and very well loved, Trish Barraclough.

I would like to echo the words of ABC newsreader Virginia Haussegger, who has described today as gobsmackingly upsetting for local staff. My thoughts today go out to those families. Of equal concern is the loss of local content that we are sure to see as a result of these cuts. The ABC has confirmed that axing of its state based 7.30 program. This will result in loss of great local journalism and TV, not only here in Canberra but around the country. Five regional radio outposts will also be shut at Nowra, Wagin, Morwell, Gladstone and Port August. These local radio stations are often the lifeline of the towns, allowing residents to connect and share stories where it might otherwise be difficult due to geographical barriers.

Last week I attended a rally outside the ABC’s Northbourne studio where around 100 Canberrans showed their disgust at these cuts. Tomorrow I will take part in another rally here on the lawns of Parliament House. I will continue to highlight the Abbott government’s broken promises to the Australian public because, quite frankly, they deserve better.
Deakin Electorate: Community Cup

Mr SUKKAR (Deakin) (16:17): I wish to record my congratulations and thanks to everyone who took part in the inaugural Deakin Community Cup. It was my pleasure to host this event in partnership with the Box Hill Reporter District Cricket Association in November. The day saw more than 60 children from more than 10 junior clubs in their BHRDCA turn out to play cricket at Terrara Park in Vermont South. Under-10, under-12 and under-14 players were divided into two teams representing the north and south of the electorate, which was named after Hutchinson and Davis, the first two elected MPs in Deakin. They competed for the cup in three simultaneous matches with team Deakin Davis defeating team Deakin Hutchinson two to one. Player of the match awards were presented to Billy Box, Zeke Lazzaro and Jack Strybosh.

It really was a fantastic day with the community's strong support enabling us to raise $665 for Taralye, the oral language centre for deaf children in Blackburn. I want to acknowledge the team at BHRDCA, in particular Peter Rosenthal, Emma Boschetti, Ross Chambers and Peter White for their initiative and hard work in organising the event. I also want to thank the local cricket clubs who participated including Blackburn, Blackburn North, Forest Hill, Heatherdale, Heathmont, Laburnum, Mitcham, Nunawading, Vermont and Vermont South. I really do look forward to our event in 2015. Thanks again to all the players for participation.

Bendigo Electorate: Youth Choir

Ms CHESTERS (Bendigo) (16:18): Last Friday, the Bendigo Youth Choir celebrated its 30th year. It celebrated in typical Bendigo Youth Choir style by hosting a concept at the Bendigo Capitol Theatre. In attendance were many of the former members of the choir, who joined the current choir on stage to sing a number of songs.

Thirty years ago, Valerie Broad OAM had a dream to form a youth choir. Anyone who knows Valerie knows that once she has a dream, once she has a goal do not get in her way; she will achieve it. Over the 30 years she has delivered for Bendigo and for these young people a remarkable opportunity and a remarkable experience. But Valerie, in her comments on the night, reflected on the students, the young people who have been able to be involved in the choir. She said that looking back what she loved were seeing how the kids developed. She loved bringing together young people and music—two of her great passions. She has seen young people grow up, and she has seen them go on to wonderful things. She hopes that, in the 30 years to come, more and more young people will have this opportunity. The rest of Bendigo knows how wonderful this choir is. It hopes to bring its talents to this House next year to entertain us all in the gallery.

Domestic Violence

Mr PASIN (Barker) (16:20): I was privileged to be able to join the Limestone Coast Family Violence Action Group for their annual White Ribbon breakfast last Friday in Mount Gambier. I want to acknowledge the efforts of Le-Anne Thomson, chairperson of that group, and the other wonderful people who work tirelessly to help stop the scourge of violence against women and their children. As a White Ribbon Ambassador, I am proud to be involved with the world's largest movement of men and boys working to end men's violence against women and girls and working to promote gender equality, healthy relationships and the new vision for masculinity.
White Ribbon Australia is part of this global movement and aims to create an Australian society in which all women can live in safety, free from violence and abuse. White Ribbon Day, tomorrow, will see events held across Barker. In Berri, the community will gather to take the White Ribbon oath; at the Cave Gardens in Mount Gambier, men from across the city will join together to test the decibel meter for the loudest shout. For the ninth year since its inception, the sound of men shouting 'no' will echo throughout the centre of Mount Gambier, raising further awareness for this great cause. Last year this event saw 40 men participate; organisers are expecting that to rise to over 80 this year. The 'loudest shout' has now spread to Murray Bridge, where the event is also taking place tomorrow in conjunction with a march down Bridge Street.

For my part, I am proud to make the following pledge in this place: I swear never to commit, excuse or remain silent about violence against women. That is my oath today.

**Australian Broadcasting Corporation**

**Special Broadcasting Service**

Mrs ELLIOT (Richmond) (16:21): I too rise today to condemn this Liberal-National government's harsh cuts to the ABC and SBS. As we all know, this is another broken promise. Speaking on SBS news the night before the election, the Prime Minister—then opposition leader—promised:

… no cuts to education, no cuts to health, no change to pensions, no change to the GST and no cuts to the ABC or SBS.

That is exactly what we are seeing now. Since he said that, this government—the Liberal-National government—has cut more than $500 million from the ABC and SBS. So you can call it a broken promise, a deception or an untruth, but one thing is clear and that is that Tony Abbott and the National Party cannot be trusted.

They are cutting key programs, like of course 7.30 state based reports. Regional programming is also being axed, including the Bush Telegraph program on ABC Radio National. This much-loved program is being closed on the watch of the National Party—can you believe that! That is a betrayal that will haunt them for a very, very long time.

The ABC is so vitally important. In my area, we have ABC North Coast, based at Lismore, and also ABC Gold Coast, both providing outstanding news, current affairs and relevant information for our community. But of course the ABC is vitally important as well during times of natural disaster. People look and listen to the national broadcaster for information. I have grave concerns about regional outlets such as my ABCs, and I will not stand by while this government continues its cuts, particularly the National Party, who are cutting ABC.

**Page Electorate: St Mary's Church Centenary**

Mr HOGAN (Page) (16:23): At 9.30 this Sunday, 30 November, I will be at mass to celebrate the centenary of the St Mary's Catholic church in Grafton. The church was opened on 29 November 1914. This was in fact after the first church, which was built in 1867, burnt down in 1913. I would just like to read quickly from a newspaper report earlier this year about that. It says:

WHEN a fire tore through St Mary's Church in April of 1913, it left utter devastation in its wake.
So when the foundation stone was laid on January 18, 1914, it marked the "re-birth" of the church, as local identity and member of the church Bill Dougherty puts it.

"After the disaster in 1913, it was not only the Catholic community, but the whole community got together in what was a period of intense preparation and trauma, trying to find enough money to rebuild the church," Mr Dougherty said.

"Then hope was born again, with the laying of that stone."

Bishop Geoffrey Jarrett will be officiating this Sunday at 9.30. Obviously the parish priest, Father Jim Griffin, will be there, as indeed will many members of the clergy who have previously been at St Mary's in Grafton. I acknowledge also Bill Dougherty, who was the chairman of the centenary committee, and indeed the whole committee that have done the work to make Sunday the success I am sure it will be.

Indi Electorate: Yea Community Garden

Ms McGOWAN (Indi) (16:24): Yea is one of the wonderful communities in my electorate of Indi, and today I would like to pay tribute to the Yea Community Garden in celebrating its first anniversary. This dynamic community initiative is working hard on combating social issues and challenges, relating particularly to healthy food issues in Yea and the community. The group has set up a wonderful garden, created a high profile for fresh, healthy, locally produced food, and formed strong partnerships with many local organisations, groups and individuals.

The Yea Community Garden works in partnership with the Yea Community House, the Yea & District Memorial Hospital, the G3 weekly community dinner, the Yea police and local churches, schools and businesses. Most importantly, they have fun doing it. The garden produce goes to the G3 dinner, which feeds between 40 and 80 people each week; to the local Foodshare program; and to volunteers and those who work in the garden. The garden runs community workshops to teach people how to grow their own food, as well as how to cook fresh food.

Well done to Bridget from Yea & District Memorial Hospital; to Zanni, Carlie, Natalie and Yea Community House; and to the numerous green thumb garden volunteers. Let me name you: Belinda, Ethan, Dustin, Ingrid, Julie, Jill, Peter, Ruth, Dave, Carlie, Kim, Antoinette, Lucy, Lou, Jasper, Matilda, Claire, Lucia and Will. Well done on a fantastic effort.

Calare Electorate: Schools

Mr JOHN COBB (Calare) (16:26): As we fast approach Christmas and the end of the school year, I would like to take this opportunity to congratulate the schools, students and teachers in my electorate. I have found that each year their interest in and their knowledge of politics and parliament continue to grow. This year it reached record levels in Calare. In fact, 72 schools have made the trip to Canberra to visit Parliament House and me, a total of well over 2,000 this year.

Unfortunately, obviously, we are not always here each time the schools come, but, when they have come and we have not been here, we have made a conscious effort to go and see the students—our young students, our next generation of senior Australians. The students continue to surprise me with their knowledge of the political system, and I must dip my hat to our teachers in Calare, who I believe set them up with some of the most difficult questions I have ever come across in my political career.
It is great to learn how the young minds of our children operate. I will admit that, at times, they ask questions which are impossible to answer. But, I guess, not being constrained by those things which worry those of us who are adults, they get away with those questions, and I must admit I thoroughly enjoy the chance to meet with them and to be taught by them.

**Makin Electorate: Croatian Festa**

**Mr ZAPPIA** (Makin) (16:28): On Saturday, 6 December, the South Australian Croatian community will host its annual Croatian Festa at their clubrooms and grounds at Sports Park in the Makin electorate. It is a day of Croatian food, wine, entertainment, events and amusements, including a soccer game between Whyalla and Port Lincoln Croatian teams and even a boulder throwing contest.

The Festa is now in its 11th year. It has become a major cultural event in the South Australian events calendar and is widely regarded as the biggest and best Croatian festival throughout Australia. Thousands of people attend the event each year, and the numbers keep increasing. Of course, it would not happen without the hard work of so many volunteers, and I applaud each and every one of them for their commitment to the Festa and their pride in their Croatian heritage. Like many Australians of European descent, most South Australian Croats came to South Australia after World War II and are now getting on in years, but it is a credit to them that their customs and traditions live on through their children and grandchildren.

Once again, I plan to attend this year's event and hopefully catch up with many of my Croatian friends. I have no doubt that, if the weather holds out, this year's Croatian Festa will be even bigger and better than those of previous years, and I would encourage anyone who is able to do so to attend.

**Bennelong Electorate: Camp Quality**

**Mr ALEXANDER** (Bennelong) (16:29): I rise to tell the House about Camp Quality, a charity based in my electorate of Bennelong. Camp Quality's purpose is simple: to create a better life for every child living with cancer in Australia. For the last 30 years Camp Quality have been supporting children with cancer and their siblings and parents throughout their journey. Their programs use education, performance, recreation, respite and play to build optimism, resilience and supportive networks for families. These are delivered free of charge in primary schools, paediatric oncology wards, recreational facilities and in homes Australia wide. Recently, the Minister for Social Services announced $1 million in funding to support the Camp Quality primary school education program. This funding boost will allow Camp Quality to expand their programs to also reach children who have a parent battling cancer. This will help children and teachers learn how to create a supportive school community for kids living with cancer and their families.

There are 10,000 children living with cancer in Australia today, and many more have a parent living with cancer. I commend to the House the important work of CEO, Simon Rountree, and all the staff and volunteers at Camp Quality for the great work they do in improving the lives of so many of these children in our community.

**Shortland Electorate: Northlakes Public School**

**Ms HALL** (Shortland—Opposition Whip) (16:30): On Wednesday, 5 November I attended Northlakes Public School and officially reopened their special playground area, their...
fenced play area. They have a support unit at Northlakes Public School and some young people with significant disabilities attend that school.

The thing that was so special about the reopening of the support unit was that the parents formed a subcommittee and raised funds to have the upgrade of the play equipment in this area. It is great because it will allow the integration of the kids in the special unit with the rest of the school, because they will come in and they will use the special play equipment. The support unit subcommittee, comprised of Renee Clover, Kelly Southwell and Nathan and Rebecca Crumbley, went out and raised funds by selling raffle tickets and going to Bunnings and holding barbecues—they got out there and did the work. It was a fantastic effort and every one of the people on the committee are commended for what they have done. The young people who will use that equipment will enjoy it into the future, and they will value the contribution made by the committee and the support given by the school.

Mallee Electorate: Australian Broadcasting Corporation

Mr BROAD (Mallee) (16:32): So often, when people buy a vehicle in my electorate, they will tune it to the ABC and they will drive that vehicle for a duration of time. They will, of course, when they trade it in, still have it tuned to the ABC. My electorate does understand very firmly that you have to have a strong economy if you are going to afford a great society. It is not unreasonable for us to ask for a five per cent efficiency within that broadcaster. We have to run a strong economy. We take that very seriously, and that means we have to have competing choices. What defines us as a government is whether we have the guts to make those choices—choices that sometimes may be seen to be slightly unpopular, but they are choices that are ultimately seen as right.

I want to affirm that there do need to be some changes within the ABC. I want to send a signal to Mark Scott, the CEO of the ABC, to make sure that they understand their regional charter and maintain that. If we have to choose between driving productivity—which means having roads, delivering education and delivering oncology wings in our local country hospitals—and asking the ABC to make a five per cent efficiency cut, then that is the choice that we make. That is responsible governance. I am proud to be part of a responsible government, and my electorate will ultimately reward that choice.

Dawson, Ms Liz, OAM

Ms BRODTMANN (Canberra) (16:34): Last Sunday, the tenacious social advocate and feminist Liz Dawson OAM died after a long battle with bowel cancer. Liz leaves an enormous legacy, including Common Ground, which is supported housing for the homeless, that she fought so very hard for for so many years. A few weeks ago, ACT Chief Minister, Katy Gallagher, honoured the contribution that both Liz and her husband, Peter, made to the Canberra community by adding her to the ACT Honour Walk in civic. We will miss this woman terribly.

In the foreword to her book, Where is my left eyebrow: losing my eyesight overnight, I wrote the following words:

Liz inspires us to be the best we can be. To act on disadvantage. To better contribute to our community. To seek a better insight into worlds and experiences unknown.

She lives every day of her life and—through the power of her personality—encourages us to do the same.
The deeply moving and intimate reflections revealed in this book provide us with a further insight into the extraordinary woman that is Liz Dawson—her observations on life and her confrontation with vision loss and terminal illness. The accounts—which are so vivid you can hear her voice—allow us to better understand what drives this woman of dignity, strength, courage, tenacity, intelligence, humour and vivacity.

And why I am honoured to call her my friend.

**Pamela Hergenhan Exhibition**

Ms GAMBARO (Brisbane) (16:35): As a lover of art, I am proud to share a story today about a local artist in my electorate who had the opportunity to showcase an impressive array of her artwork during the G20 Leaders' Summit in Brisbane. Pamela Hergenhan is 83 years old and has, over the course of six decades, been known as a fine teacher, wife, university lecturer and of course artist, with a flair particularly for illustrating Australian culture and life through her work. Pamela had to transverse a particularly difficult path when ill-health fell on her husband, Laurie, a then lecturer at the University of Sydney, and she took on the role of carer to their three daughters. All challenges aside, Pamela stayed the course and her passion for art remained undiminished over those years. She was able to refocus her energies on a revitalised artistic career after Laurie's recovery and a move to Brisbane where he was appointed as a lecturer in Literature at the University of Queensland. As for Pamela's exhibition, one admirer described it as 'joyous and colourful', saying 'Her love of the Australian story and our early poets and writers shines through.' The Australian government has initiated a raft of support programs for emerging artists claiming that 'artistic production, experience and enjoyment help shape and sustain our social wellbeing and cultural identity. For those who have made the sometimes long journey from emerging to renowned, whose work inspires us, challenges us and provokes us to new thoughts and ideas, and gives us fresh perspectives on life and the world— (Time expired)

**Bendigo Electorate: Mount Alexander Solar Homes**

Ms CHESTERS (Bendigo) (16:37): The latest edition of MASH, Mount Alexander Solar Homes, is great news. Another 680 solar panels were delivered to Castlemaine last Tuesday, with the number of solar panels delivered to MASH totalling 2,101. Once installed, which will happen by Christmas, over 525 kilowatts of extra solar power will be generated on the rooftops of homes in the Castlemaine area. This is great news—an example of how the Mount Alexander communities are well on their way to power themselves. Solar energy just makes sense. The people of Castlemaine have got together to form a co-op, working with local installers and local industries to literally power themselves. It is not just homeowners who are getting involved. Renters are starting to work with their landlords to ensure that they too are part of the program. One particular renting couple talked to their landlord and agreed that they would pay an extra $25 a week in rent towards the solar panels. This would help pay off the solar panels over the next five years. It would reduce their electricity cost by over $25 a week. It just makes sense. I congratulate the community of Castlemaine for getting on with powering themselves.

**Lyne Electorate: Agriculture**

Dr GILLESPIE (Lyne) (16:38): I would like to take this opportunity to thank a number of people from the Lyne electorate in the agricultural sector who participated in a number of forums last week. On Wednesday, the Minister for Agriculture and I visited Neals Dairy farm...
on Oxley Island and met with a number of local dairy producers who produce about 30 million litres of milk between them: Mike Blacklock, Ben and Scott Hurrell, Julian Biega, Luke Cleary, Adrian Drury, Graham Forbes, Mark Harris and James Neal. We discussed a broad range of issues, including the benefits and opportunities that will flow from the new China-Australia free trade agreement as well as our commitment reduce red tape. The minister really appreciated all the meaningful and helpful suggestions that they brought forward so that we could pursue better ways to improve returns at the farm gate.

Later, in Port Macquarie, the minister and I co-chaired an agricultural roundtable attended by local farmers and producers, including John and Sue Hannaford, Steve and Leonie Gale, Michael and Jenny Hurrell, Rodney Fisher, John Cassegrain, Jim Mobbs, Phil Morton, Alex Matuszny, Tony Sarks, Mark Bulley, Trevor Sergeant, Grant Coleman, Gordon Burch and David and Carolyn Duff; representing the beef, dairy, eggs, avocado, wine, fisheries oyster, tomato and strawberry industries. Again, they all had brilliant suggestions for the minister to employ in his portfolio. *(Time expired)*

**Indi Electorate: Into Our Hands Foundation**

Ms McGOWAN (Indi) (16:40): Philanthropy is about giving, and Indi is well and truly into giving. Following the 2009 fires, when the whole of Australia gave, the Into Our Hands Foundation was established to support the affected communities in the Alpine and Indigo shires. The Into Our Hands Foundation was set up following extensive community consultation. I am delighted to report that I attended the annual general meeting two weeks ago when over $120,000 was given to 19 groups. This follows on from the $119,000 provided to 17 community projects in 2013.

The groups who benefited are varied—Myrtleford scouts, Alpine Valley Playgroup, Alpine Valley Community Leadership Program, Burgoigee Creek Landcare, Dederang-Mount Beauty Football Netball Club—great news—Yackandandah Men's Shed, Gundowring Rural Fire Brigade, Riding for the Disabled and Bruarong hall. Congratulations to the Into Our Hands Foundation. I know how much work you have put into this—all unpaid. To Loretta Carroll, to your board and to the whole of the community, can I say on behalf of the people of Australia, you are truly walking the talk of community empowerment and we are very proud of you.

**Australian Broadcasting Corporation**

Mr RAMSEY (Grey) (16:41): Today Mark Scott of the ABC chose to take the low-hanging fruit instead of making the tough decisions with the ABC, in my opinion, by closing the production studios in Adelaide and winding down remaining production in other smaller states and by closing five regional news collecting services throughout Australia, including Port Augusta. These are decisions that will further centralise production on the eastern seaboard, particularly in Sydney, where already 51 per cent of the ABC workforce reside. I checked the charter, and it says that the ABC should broadcast ‘programs that contribute to a sense of national identity and inform and entertain, and reflect the cultural diversity of, the Australian community.’ That will be very hard to do unless it has eyes and ears in local and regional Australia. Yes it is true the ABC has been asked to produce a five per cent efficiency dividend to take their budget from $5.5 billion over the next five years to $5.2 billion. It is still a massive amount of money. I was speaking to someone from the commercial sector today, and he laughed when I said it was a five per cent cut. He said they had had far greater
than that. It was a bit like the Monty Python episode about the four Yorkshireman—a five per cent cut? I dream of a five per cent cut! I have more a say on this issue and I will do that at a later time.

**Northern Women's Health Centre**

Ms HALL (Shortland—Opposition Whip) (16:43): On Thursday, 13 November I visited the Northern Women's Health Centre at Wyong. I note that the member for Dobell, the member for Robertson and Senator Deb O'Neil have all attended this centre and we have all accepted an invitation to become patrons of the centre. I have had a long association with the Northern Women's Health Centre. They are located in Rose Cottage at Wyong. They provide counselling, which includes short-term generalist counselling for issues such as self-esteem, domestic violence, stress and anxiety, relationships and surviving past abuse. Above all, the No. 1 issue that is most prominent in that community on the Central Coast is domestic violence. The level of domestic violence on the Central Coast is phenomenal. The service offered through the women's health centre provides support for women who are trying to manage, live with or get away from domestic violence. There are a number of ways they can do that, through either individual counselling or group counselling. I think the service for the fine work they have done over many years. I know they will continue to do that work in the future.

The DEPUTY SPEAKER (Mr Randall): In accordance with standing order 43, the time for members' statements has concluded.

**GRIEVANCE DEBATE**

Debate resumed

**The DEPUTY SPEAKER (Mr Randall) (16:45):** The question is:

That grievances be noted.

**Rail Infrastructure**

Ms MacTIERNAN (Perth) (16:45): There is plenty to grieve about in Western Australia at the moment. I want to use this opportunity to talk about how this failed privatisation of the Grain Freight Network in Perth, which took place in 2002, is continuing to wreak havoc in Western Australia. On Saturday, I was driving back from Albany to Perth and the roads were absolutely crowded with grain vehicles—a level of grain vehicles that I have never seen before on Albany Highway. If we look at what has gone on with this privatisation, it really tells us that we have to beware of governments that are getting out there to fill budget holes and, in that process, creating a great economic disadvantage for their state.

As we predicted back in 2000, what has happened is that there have been very significant cuts in the Grain Freight Network. Indeed, last month we saw 500 kilometres of grain lines that were closed in the South West of the state. For a farmer in Kulin, that has added around $3.82 per tonne. And in the catchment of those tier 3 lines it is estimated that this year there will be an extra $2 million coming out of farming budgets to pay for the increased cost because of this rail closure.

What is really bizarre is that we know that CBH, Co-operative Bulk Handling, want to operate trains over these rail lines. They are prepared to take them over and operate trains. But, because of a deal done with the current state government, building on the inequity of the
earlier Liberal coalition government, we have seen the change to the agreement. So Brookfield can simply refuse to enter into a commercial arrangement with CBH, or a reasonable commercial relationship with CBH, and nevertheless keep access and keep entire control of those lines. They no longer have to maintain them to any significant extent. It has been estimated they need to put a bit of weed spray around them, but their obligations have been totally reduced in a secret 2009 agreement that has been made by the Barnett government with Brookfield. This is not something that is simply impacting on farmers and rural economies; it is also having a major impact on road safety and on the sustainability of those local shires, who are estimating that their cost of road maintenance now is going to go up significantly, and they are looking at a 30 per cent increase on rates—again, a completely unsustainable situation.

It is not only in Western Australia that we are seeing the errors and the potential disruption of a failed and ill-considered privatisation. I am using this forum to raise what I believe is a very serious safety issue on the Melbourne metropolitan rail network. In the course of my role, I attend many rail functions around Australia, and people come to me and tell me things that are going on within the industry. A wide range of people have given me reports about what they consider to be the very parlous state of the track in the Melbourne metropolitan rail system—that there are an unprecedented number of faults on that line and that the private contractor, MTM, are simply not addressing these issues seriously. They are doing patch-up jobs; they are plating over these cracks rather than replacing the rail track because they are seeking the on-time bonus. They are seeking to reduce the amount of time the rail is out of action and seeking to reduce the amount of money spent on maintenance. It has been put to me—and certainly from the photographs I have seen it would appear to be so—that there is a prima facie case that the state of the rail we are seeing today is very similar to the state of the rail, in Hatfield in the United Kingdom, which in 2000 led to a derailment with the loss of four lives. Exactly the same problems were identified: there was a private operator leasing the railway tracks and simply sweating the asset. They were seeking to get the maximum out of that asset without any regard for the long-term viability of that network; indeed, it would appear, they did so with perilous disregard for the safety of the people travelling on that rail network.

I have raised this; I have been so deeply concerned about this that I have raised it in several forums. A couple of weeks ago at the Australian Railway Association, I raised this matter with the CEO of MTM, Andrew Lezala. He said there was no problem with their maintenance; their maintenance plans were all developed with Public Transport Victoria. But that does not give us any comfort. It does not show that any auditing of the work has been done, and that is what we need. We need someone to physically go and inspect these railway tracks and actually have a look at what has been done. Unfortunately, there is probably not the expertise in Public Transport Victoria these days to successfully do that.

For that reason, I have personally contacted the National Rail Safety Regulator and alerted them to this, because they are responsible for accrediting this rail line. I have alerted them to what I consider to be very serious breaches. I have also been working with the Public Transport Users Association which has gone out and done some inspections. They have launched a formal complaint with the Australian Transport Safety Bureau.
When one has been privy to the stories we are regularly hearing about the rail in Victoria, one has a moral obligation to ensure that some progress is made on this matter. Here, today, I call upon the National Rail Safety Regulator to go out there and inspect this rail line in Melbourne, and tell us whether or not the reports we are hearing from a wide range of people within the industry are true. If they are, we are putting the public transport users of Melbourne in peril. We are also presiding over a degradation of that rail network and, when these particular contractors are finished the period of their franchise, they can simply walk away and leave the state with a degraded asset. We have in Melbourne a classic example of a very poor privatisation exercise which has allowed an asset to be sweated and public safety to be compromised.

I will use my remaining time to go back to Western Australia and outline how atrocious this whole procedure has been. The sale was made in the year 2000. The sum for the sale of the entire network—the locomotives and the lease fee for some 49 years—was roughly $500 million. The company subsequently sold that on in 2009 for over $800 million—they took $300 million out of the system without there being any substantial upgrading. We were told at the time of the privatisation—the secret deals that were done—that there was going to be $400 million invested in upgrades. When we came into government we found that in fact there was absolutely no obligation to do so contained in the agreement.

We see here the final iteration. Notwithstanding an injection by the federal Labor government of over $130 million into this network, the private operator and the state government actually walked away from their obligations, and now not only the farmers but anyone who uses our rural roads are being put in jeopardy. (Time expired)

National Security

Dr HENDY (Eden-Monaro) (16:55): I am very pleased to have the opportunity to speak today. I had mainly prepared these remarks in relation to recent counter-terrorism legislation; but, as matters transpired, I was not able to speak on the relevant bill. I want to speak from the wider perspective of someone who has had a career across the public and private sectors, who has had senior jobs working in the Defence portfolio and who has also represented the Australian business community. I also want to speak simply as a person who represents in this place 100,000 New South Wales voters and some 140,000 residents in all who are alarmed and extremely concerned about recent events here in Australia and overseas, in places as diverse as Iraq, Syria, Canada and the United States.

Some people say that terrorism began with the French Revolution and the Jacobites' bloody reign of terror in the 1790s. I think that that is a very narrow view of history. Terrorism has been around for centuries and probably thousands of years. The bottom line is that terrorism is not new. However, what we are facing now, particularly with Islamic extremism, is a new variation. It is in some ways new because of who they are fighting, and of course that 'who' is us—that is to say, the Western world and its civilisation based on human rights: most importantly, freedom of expression, freedom of religion and freedom of association. They are the beautiful children of classical liberalism that we should all be proud of.

The new thing compared with past centuries is that the target of terrorism has changed. In the past, it may have been against certain established groups dominating societies, based on previous martial successes. Now it is against basic humanity. I think that there is a difference, and we cannot bow in the face of it. I was reminded recently of a statement by the famous
left-wing author Gore Vidal from 2002, when he stated that we cannot fight 'perpetual war for perpetual peace'. It is a nice-sounding bon mot; however, it is not an acceptable government strategy for the defence and security of the nation. Instead, the classic phrase by General George Marshall, former US Army Chief of Staff and US Secretary of State, is a much more sensible guide for action. He popularised the phrase, 'The price of peace is eternal vigilance.' That should be our guiding strategy. This is not a case where one person's terrorist is another person's freedom fighter, as some leftists would have you believe. In this war, we are the fighters for freedom; there can be no doubt about that.

As members of the House may know, I am a former chief of staff of the Minister for Defence. In addition, during the last parliament, I was the member for Curtin's principal adviser on foreign affairs and trade when she was shadow minister for foreign affairs. As I noted in recent debate on our current military and intervention in Iraq, back in 2001 when I was the chief of staff to the Minister for Defence, it was not in Iraq that we were going to war but in Afghanistan. I was in that position at the time of the dreadful attacks of 9-11. I will not today go through the events of that time. Suffice to say that terrorism hit our country and many other countries. Since then, we have been living with the terrorist threat of Islamic extremists.

I remind the House that the attacks on 9-11, which saw 2,977 innocent people die, including 11 Australians, were before the US or Australia ever went into either Afghanistan or Iraq. A total of 88 Australians died in the 2002 Bali bombings perpetrated by Jemaah Islamiah.

This issue has been brought home to us because of the actions of Islamic extremists. We now face a continuing threat. As the Prime Minister and senior ministers have informed us, there are at least 70 Australians that we know of currently fighting with terrorist groups in Syria and Iraq and at least 100 Australians who are supporting them. Our French ally is immensely concerned that there are over 1,000 French citizens or recent French residents that have joined the Islamic extremists. We are now facing an enemy that calls itself variously the Islamic State—IS, the Islamic State in Iraq and Levant—ISIL, the Islamic State in Iraq and al-Sham—ISIS. Indeed, the Arab countries do not use any of those terms. They instead use the word Da'ish, which is an acronym in the Arabic tongue of ISIS but also has a sarcastic negative undertone as it is similar to the Arabic word 'daesh', which means one who crushes something underfoot.

We are working in partnership with scores of other countries but led by the United States in confronting this appalling enemy, this death cult as the Prime Minister calls it. We simply cannot ignore statements of ISIL when, for example, its spokesman recently stated:

If you can kill an American or European infidel, especially the spiteful and filthy French, or an Australian, or a Canadian, or any other disbeliever from the infidel fighters, then rely upon God and kill them in any way possible.

Listen further to the words and deeds of the people who are conducting terrorist activities. Just a few weeks ago, in New York City, a man attacked two police officers with a hatchet. He buried that hatchet into one officer's arm. He then savagely struck the other police officer in the back of the head. Both have survived, but who knows with what long-lasting physical and mental damage. As was reported in the Herald Sun of 24 October 2014, the attacker used social media to call for guerilla warfare. According to the news reports, he also referred to
internal mass revolt against America and referenced the US air strikes on Islamic State, according to Fox News.

Earlier, as reported by Fox News on 27 September 2014, there was a beheading in Oklahoma. According to the report, FBI officials are investigating a beheading at an Oklahoma food distribution centre after coalition-workers said the suspect tried to convert them to Islam after his own recent conversion.

Recently ISIL has made clear their intentions regarding Australia. In the Sydney Morning Herald of 13 October 2014, it states:

The Islamic State group has made a fresh pitch to followers to carry out spontaneous. ... attacks against Australians and citizens of other 'crusader nations' ... to carry out spontaneous "lone wolf" attacks against Australians and citizens of other crusader nations.

Most significantly, it goes on to say:

Most significantly, it tells would-be jihadists to keep their plots small and their strategies simple, involving as few people as possible

Further, it quotes ISIL as stating:

At this point in the crusade against the same extent it is very important that attacks take place in every country that has entered into the alliance against the Islamic State, especially the US, UK, France, Australia and Germany.

And of course the recent dramatic events in Ottawa, Canada brought home what could happen here. As Reuters reported on 23 October 2014:

The gunman in Wednesday's attack on Canada's capital had a criminal record and had recently applied for a passport planning to travel is to Syria after undergoing a radicalisation process.

This is who we are up against.

The arrests in Sydney and Brisbane three months ago to stop a potential gruesome beheading in Martin Place Sydney under the direct orders of ISIL are a case in point. We cannot ignore that. We have to deal with the issues. I have lived and worked in the Middle East in the gulf state of Bahrain myself. I was there with my wife, daughter and son. The Bahrainis are warm and hospitable people. I am proud of the fact that Bahrain has joined the coalition to help fight ISIL. It is a significant development that a number of strongly Islamic countries like Bahrain joining in the fight. People should be very careful about how they express themselves so as not to create unnecessary divisions when we need to all together in facing the current challenges. We need to talk in calm terms. Equally, I think we cannot simply ignore the fact that these extremists events have been done in the name of Islam, even if the mainstream Islamic community opposes what is being done. We need to work with the Islamic community, both here and abroad, to deal with this cancer that is damaging peaceful coexistence.

In conclusion, and as I have previously said, there may be very dark days ahead. Let us hope this conflict with the Islamic terrorists is not protracted. Unfortunately, I think it very well could be. That is a daunting prospect. However, from what we can see now and for the short future over the horizon, we need to stay the course and commit our best effort to this ugly necessity.
Mr STEPHEN JONES (Throsby) (17:05): We have long known that many within the coalition secretly harbour a desire to teach our kids that the Australian alphabet starts with the letter D, so hostile are they to the letters ABC. That was revealed to all last week when the Minister for Communications flew to the electorate of the Leader of the House to announce an egregious set of cuts to the ABC’s budget.

Not everybody thinks the same way as those in the coalition. Many of us believe that the ABC has a critical role in telling the Australian story—our culture and our history—and examining civil society. It is made up of professional, independent men and women who produce news and stories free from the bias which may be extant in other news outlets. It is a truly national broadcaster. It covers the country from coast to coast with over 1,000 journalists in 60 newsrooms across Australia, along with around 12 foreign bureaus. In times of emergency, particularly in rural and regional communities, people turn to the ABC as the emergency broadcaster providing reliable information about what is going on and keeping its audience up to date.

The ABC is a part of Australia as we would like to see ourselves, but it is also about Australia as we truly are. It has been observed, including by the communications minister himself, that, despite the incessant attacks by the conservatives, particularly those amongst the coalition, the ABC is more popular than any political party in this country and certainly more popular than any individual politician. That is why the coalition made a promise going into the 2013 election. It was the Prime Minister who looked down the barrel of a camera and said, ‘There will be no cuts to the ABC, no cuts to the SBS, no cuts to Medicare and no changes to pensions,’ but the reason he made those commitments in relation to the ABC is that he knew how popular the ABC is amongst the Australian community. Indeed, Liberals were out there, particularly in regional and rural Australia, campaigning on the importance of the ABC as our national broadcaster, but we know, and the Minister for Communications has told us, that this was a promise that they never intended to keep. He was at pains to explain last week that, whilst the Prime Minister was out there promising one thing in the headlines, in the subtext and in the footnotes you had the Treasurer and the communications minister trying to send off whispers to cover themselves when their full plans were revealed—and revealed they were. Immediately after the election, they commissioned the Lewis review, which is the blueprint. It is the track back to the minister’s office for everything that is going on within the ABC today. They promised a government of no surprises, but week in, week out and month in, month out Australians are astounded by what they are doing.

The $254 million cut to the ABC means that they are going to be closing the Adelaide television production studio, along with its partner studio in Perth. That means cuts to sports coverage, shutting five local radio outlets, including in Wagin in Western Australia, Morwell in Victoria, Gladstone in Queensland, Port Augusta in South Australia and Nowra in my own Illawarra. They will be selling off property and they will be introducing over 400 job cuts. This amounts to around 10 per cent of the total workforce of the ABC. They are going to be axing popular and important programs like 7.30, Stateline editions and even Bush Telegraph, an iconic program which is loved by thousands of Australians. They are going to be exploring charging for their digital downloads and of course there will be restructure after restructure.
In regional Australia, the ABC really matters. It is often the only source of local news and stories in a region, stories that the city based networks simply do not focus on. In regional Australia, these cuts are going to hurt and they going to hurt communities very deeply. It is why we need MPs from regional Australia to be standing up and defending the national broadcaster. I thought we saw a hint of this when we saw the member for Sturt, Chris Pyne, set a land speed record in his rush from the cabinet room, where he voted in favour of the cuts to the ABC, to his own electorate, where he started an ill-fated campaign against cuts in his own electorate. He was effectively saying, 'Cut the rest of Australia but leave my electorate alone.' He is the Liberal Party's very own answer to GetUp! It did not go so well.

In politics they say you can be a lion in your electorate but a lamb when you come to Canberra. The member for Sturt and many other members on that side do appear to be lions in their own electorates but lambs in their own party room. They defend the ABC in their electorate, but, when it comes to voting in their party room or in the cabinet, they are found wanting.

So it is with the member for Gilmore. I was quite bemused when I saw an open letter to the ABC managing director from Mrs Sudmalis, the member for Gilmore. It is quite a poison pen job. She makes the observation that, if this closure goes ahead, it would be almost geographically impossible to cover, in person, local news events between Nowra and Moruya and on the New South Wales coast. I would add to that the entire Illawarra region. This letter is a little bit late in coming. We needed the member for Gilmore to be voicing these concerns when the Commonwealth government issued its budget in May this year or when the secret Lewis report was provided to the minister. Where was the member for Gilmore defending the local ABC bureau in Nowra when the decisions were being made in her own party room? What we have seen from the member for Gilmore—as we have seen from so many other members in this debate—is that she is a lamb when she comes to Canberra but an absolute lion in her own electorate.

There is another saying in politics—and it is this: you cannot barrack for both the fire and the fire brigade. The member for Gilmore, the member for Sturt and so many others are doing exactly that. They are out there barracking for the fire when they vote for the government's egregious budget cuts to the ABC. When they are day-in and day-out lambasting and launching their cultural wars against the alleged bias of the ABC, they are barracking for the fire. But, when they go back to their own electorates, they are cheering on the fire brigade—saying, 'Put this fire out. We cannot afford to lose the ABC from our local electorates because it is absolutely critical to covering the stories of our local region.'

When you barrack for both the fire and the fire brigade you end up getting burnt. That is what is going to happen to the member for Sturt and that is what is going to happen to the member for Gilmore—because the people are not buying it. This absolute cop of a letter that is rushed out after the axe has already fallen so that you can put out a local press release saying, 'I am out there championing the interests of the local staff of the local ABC—nobody is buying it. They can see that, when the member for Gilmore had her opportunity to stand up for her electorate, to stand up for the ABC—or over the cuts to Medicare or over the cuts to pensions or over the cuts to local school education funding—she was found wanting.

She would be there for the opening of everything, even when she had argued against it in this place. She would be out there in the electorate saying, 'This is terrible; what are we going
to do about it? But she had the opportunity; the member for Sturt had the opportunity; and all of those other National Party members, who were thumping the table in Senate committees, were going to give thunderous speeches in this place about how the ABC is so critical to their communities. They have barracked for the fire, and they have barracked for the fire brigade; they are going to end up getting burnt. But the really sad thing about this story is what they are doing to their own communities in the process. Australians should rise up and reject it. (Time expired).

Rural and Regional Australia

Mr BROAD (Mallee) (17:15): Today I address the parliament to talk about vision—a vision for rural Australia and regional Australia. Quite often it is said that, if a nation has no vision, it will perish. I am a strong believer that, together, the Liberal Party and the National Party have a vision of what this country can look like.

Some of the great things we have announced over the last number of weeks have been the Korea-Australia Free Trade Agreement, the Japan-Australia Economic Partnership Agreement, and now the China-Australia Free Trade Agreement. This is a great result—the result of a lot of hard work for many years—and it is very pleasing that, within the first year of this coalition government, we have delivered these free trade agreements and are going to see them implemented.

A free trade agreement in itself is just an opportunity. It is a great opportunity, but we have to turn the opportunity into a reality. We have to make sure that the opportunity that presents itself in a free trade agreement translates to wealth for every Australian and for regional Australians. I am very pleased, particularly, with the free trade agreement with China that has been announced. In my electorate people are walking down the street and are very happy. There has been no negative response across the electorate, because they know that the electorate that I represent is an export electorate. It is an electorate that exports wheat; it exports dairy; it exports table grapes; it exports almonds; it exports carrots; and it exports juice. It is very much an electorate that I am very proud to represent because, in a good year, it would produce $5.3 billion worth of economic activity for the nation of Australia.

But we have to make sure that we can turn this opportunity into reality, and, in doing that, we need to invest in our infrastructure. One of the things that needs to happen in my electorate, of course, is better rail services—freight rail for the township of Mildura and, ultimately, passenger rail for the township of Horsham. We do have passenger rail for Swan Hill currently. We also need to have better air services, and I have been pushing very hard and will be talking with the minister responsible in the next couple of weeks about $25 million to upgrade the runway so that we can continue to take 737s into the township of Mildura. It is quite exciting to see how it has grown.

If we are going to grow our rural Australia and our inland cities, we have to have more than just agriculture. It is one thing for agriculture to be a stimulus and to have industries that service agriculture, but we also need to diversify our rural economies. This is the reason education reform is so critical. In my towns I have several universities—Federation University Australia and La Trobe University. We have very high numbers of first-generation completers of university. It has been really very interesting to get to know. They are not people who will travel to a big city to go to university for cultural or family reasons. They need to have that university quite close.
But it is so important that we have that higher learning in our country towns. The reason is this: if you look at all the statistics, and you get a country student and give them that higher education, they are likely to then go out, travel the world and get as much life experience as they can. But, when it comes time for them to start a small business, they are more likely to come to a rural area and start that small business than any student who has been based in the cities and has not had that life experience of what regional Australia can offer. This is why it is so important that we develop our tertiary opportunities for our country kids.

If we are going to grow our country towns, we also need to have a community of interest. We need to have our daily newspapers, our radio and our televisions. In so many of our country towns the local newspaper is owned by the person who writes in the paper; it is also owned by the person who edits the paper; and it is also owned by the person who takes the photography. The local paper is a small business. I just want to say that I am so in awe of the ingenuity and determination of those little country papers that hold communities together.

One of the other things that are very important for regional towns to grow is to have some government departments that also see the value of investing in those towns. I have been pushing very hard in one of my towns, the township of Mildura, to get greater placement of the Murray-Darling Basin Authority in that town. The township of Mildura is where you have the Murray River, of course—the magnificent Murray—and you also have the Darling River, which comes in and intersects at Wentworth. So just there, in that local community, you have the intersection of the two major rivers in the east coast of Australia.

Having the Murray-Darling Basin Authority based in a country town also means that they are more responsive to asset management. They are more responsive to understanding the ebbs and flows of the river, because I have a strong belief that rural people have a passion for and an affinity with the land. When the land is hurting, they are hurting. When the river is healthy, they are healthy. It is something that is very hard to explain but is innately in us in rural Australia. I think having some government departments in our country cities is a good way of sending a signal that we also, as a government, believe that the future of Australia is across the whole breadth of Australia, not simply hugged on the coast.

There also need to be services and infrastructure. I am really pleased that in the last number of months, in partnership with the Victorian coalition, we have announced the rollout of natural gas. If you combine food production, for example, with water, cheap energy and clean energy and then freight links, you create the framework for development. You create the framework for jobs. I think this is very, very important if we are going to grow the entrepreneurial spirit that lives in those country towns.

Just on the entrepreneurial spirit, can I just point out that an electorate a long, long time ago in Melbourne once got 85 per cent of the funding for a local swimming pool, whereas the electorate in Mallee once got 15 per cent of the funding for a local swimming pool. The electorate in Melbourne chose not to go ahead because they did not get all the money, and the electorate in Mallee thought, 'Fifteen per cent, you beauty!' and they fundraised and made it happen. That is something that is great about the entrepreneurial spirit of the people that I represent.

The other thing that is very good, and I just want to send this signal out to all Australians, is that you can have an amazing lifestyle on a much cheaper budget. You can swim in the Murray in my electorate, and I can guarantee—I can guarantee this, ironclad, in parliament; I
would even do this without parliamentary privilege—that you will not get eaten by a shark. I can guarantee that you will not get eaten by a crocodile. Here is a fantastic waterway where it is safe to swim, and your expectancy of getting out of the water on the other side without being eaten by a shark or eaten by a crocodile is very strong. Not only that but you can buy a house in my electorate—you can buy a nice second-hand house, probably about 10 years old, with two bedrooms and a manicured garden—for under $200,000. If you want to step up to something where you might get half an acre with a shed so the bloke can run out to the shed and tinker and you can have your dog, you can get that for about $350,000. The opportunity to shift to a regional area and have a very nice place to live and a very high standard of living is important.

I know this even from my staff. We had our staff Christmas party last year, and my staff do not receive very high wages, but one of them turned up in their houseboat, another one turned up on their four-person jet ski and other one turned up in their ski boat, and we had a barbecue on the houseboat. Now you cannot compare what that would cost if you were going to have that experience and you were living on the coast. The opportunity to have a very high standard of living at minimal wages is affordable in regional Australia.

So I have a vision. I have a vision that we can do this. I have a vision that, together with good government policy, with opportunities that are presented through free trade agreements and the exports that we can deliver, with the individual pursuits of the average Australian and their entrepreneurial spirits, and with government, community and good export opportunities we can grow the wealth for all Australians, for regional Australians and city Australians. That is why I am very proud to be part of a government that is prepared to make tough decisions at times, but right decisions, to ensure that our vision leads to better prosperity for average Australians.

Goss, Hon. Wayne
Brown, Mr Keith

Mr RIPOLL (Oxley) (17:25): It is an honour and a privilege for me to be able to use the 10 minutes that I have allocated to me to speak about two great Australians who have made an enormous contribution to this country, particularly to my electorate of Oxley. Both hail from the same suburb of Inala where I grew up. Inala is viewed as quite a famous suburb in many areas across the country. It is a great honour to speak of two such great Queenslanders from my electorate.

In the past few weeks the suburb of Inala has lost two Labor sons: former Queensland Premier Wayne Goss and Keith Brown of the Inala branch of the ALP. Both men dedicated their lives to Labor, to the labour movement, making a difference to other people's lives and working very hard in perhaps very different respects but no less significant ways. As we know, Wayne Goss was a great contributor to Australian life, in particular Queensland life. Wayne was born in Mundubbera, on 26 February 1951. He passed away way too early, at the age of only 63 years. He was the son of Norma and Allan, who was a small business man. He owned a delicatessen and a barber shop in Inala. He was well regarded, as was his family. There are many great stories about the barber shop and about how Wayne Goss as a young man helped out, swept the floor and did the things that sons and daughters of
small business people do. I have heard others comment: 'Thank God he decided to become a lawyer and a politician, because he wasn't a very good barber or hairdresser.'

Wayne received his primary education at Inala State School and graduated from Inala High School. I would call Inala, having grown up there myself, a humble place, a place of working people, of migrants, and which is more commonly seen as a low socioeconomic area, but it has produced such high-quality and high-calibre people at so many different levels, people such as Wayne Goss and Keith Brown—just to name two today—and many, many others.

Wayne went on to study law at Queensland University, becoming an articled clerk in 1968. He began his working life as a solicitor with the Aboriginal Legal Service, representing Indigenous people across southern Queensland.

In 1977 Wayne opened his own legal firm and, as you would have heard in the House today, Bill Shorten, the Leader of the Opposition, commented that it was through Gough Whitlam that the inspiration came for Wayne Goss to play a bigger role in politics and in Queensland life.

In 1983 he was elected as the member for Salisbury. But from 1986 to his resignation from parliament he represented the electorate of Logan. In March 1988 he was elected as Queensland Leader of the Opposition.

On 2 December 1989 he was elected as the Premier of Queensland. Labor's election was historic, after 32 years in opposition. There is no doubt that Wayne Goss was a key person in convincing Queenslanders that the time for change had long passed and that 32 years was too long and that he was the right person. Many people have acknowledged his contribution and the positive changes he made to Queensland.

Wayne Goss modernised Queensland. He established merit-based appointments to the Public Service and implemented recommendations of the Fitzgerald inquiry into police corruption. Wayne Goss was a remarkable and outstanding human being, a man of great foresight and great courage. He contributed in many different ways. He certainly was not afraid of reform and not afraid to do the tough things. He was well rewarded by the Queensland people in many different respects.

I owe Wayne Goss for many of the things I have done. Wayne, up until his first illness, his first tumour, was going to be pre-selected as the candidate for the seat of Oxley and, with my humble assistance of course, he would have been duly elected and would be the member for Oxley to this day; there is no doubt about that in my mind. I contemplate the incredible contribution Wayne Goss would have made had he been elected to federal parliament; he was a not only a leader of Queensland but a potential leader of this country.

Unfortunately he was taken from all of us way too early. He did make a very brave and correct decision at that time; he retired from politics and decided that life was too short; he wanted to spend more time close to his family and at home. He did not contest the seat of Oxley, which obviously gave me my opportunity. I thank him very much for the assistance and the help that he gave me. I hope that in some small way I repaid him in the work that I have done in the seat of Oxley. Wayne will be eulogised and spoken about in this House in the weeks to come, and I plan to say a few more words about the great man, Wayne Goss, in the not-too-distant future.
I also want to pay tribute to a great man, Keith Brown. Keith Brown was born 23 August 1930 and passed away—too young—11 November, Remembrance Day, aged 84 years. He was the eldest son of Edward and Veronica, and had four siblings: Neil, Doug, Roy and Lorraine. Keith attended St Joseph's College, Gregory Terrace, and became an apprentice boilermaker at Northgate railway workshop. He was the true essence of a working-class man; he became an apprentice and worked at the railways. And he continued to work for the railways for 47 years, until he retired in 1993.

He was very proud of the fact that, between the ages of 20 and 62, he was the union representative for the Metal Workers Union, something he would tell you over and over, many times. He was always proud to stand up for people and proud to be a voice for workers. Keith was a very proud and loyal Labor man.

While Keith never married or had children, he had many passions and he dedicated and devoted all of his spare time to community, to others, to bettering other people's lives, to participating, to contributing, and to doing many things. Keith had an abiding passion for tennis. In 1950 he became an honorary tennis journalist, and for 50 years he was an honorary tennis journalist on radio, television and newspapers. If you played tennis, you knew who Keith Brown was.

He was a loyal player and volunteer at the Richlands Tennis Club, where he organised tournaments and arranged for players to receive trophies. He always believed in displaying good sportsmanship and proper tennis etiquette. He would always make sure that representatives at all levels, no matter where they were from—local government, state government or federal government—would be on hand to help him present tennis awards to youngsters and to a whole range of people. He took tennis very seriously, not only as a player; he also who contributed so much back to the community, particularly at his beloved Richlands Tennis Club, where, like him, many of us learnt to play tennis. That is where I learnt to play tennis and love the tennis centre. It is still there, and I would say it will be there for a very long time.

After Keith's mother died of motor neurone disease, he became a tireless volunteer for the Motor Neurone Disease Association as well; always finding time for others. In 2004, a set of townhouses in Inala were named after Keith for his tireless service to the union movement, to motor neurone disease and to tennis—and, I would probably add, just for being a very good bloke who did so much for everybody else around him.

The tireless nature of Keith was that he kept playing tennis even after he was diagnosed with myeloma at the age of 76. In 2003, sadly, he was moved into the Sinnamon Village Nursing Home, where he continued to write for the local newspaper, until he became too weak to hold a pen. It was always a joy, always so much fun, for me to visit or to have Keith on the phone asking for another box of Bernie Ripoll's paraphernalia—note pads and shopping lists and magnets. And he would personally go to every single person and make sure they all had my fridge magnets on their fridge. He was an absolute treasure.

He will be sadly missed and dearly remembered. He was much loved and impossible to replace in terms of somebody with so much energy who contributed so much. He passed away on Remembrance Day, but we certainly will not forget him. Vale, Keith, you will be missed.
Mr BROUGH (Fisher) (17:35): I rise today to speak about the critical issue of competition policy. Twenty years ago, there was the Hilmer review, which looked at competition and drove many of the reforms that successive governments have delivered to Australia. As an election commitment, the Abbott government has undertaken now to have the Harper review. At the outset, I indicate that I am a free trader. I believe in less regulation. I believe in having a vibrant economy and a vibrant business community for big, medium and small business, not one at the exclusion of others. I am, however, for diversification. I am also very strongly of the belief that we get the best diversification when people with an entrepreneurial spirit get a start, people who have ideas and they take those ideas to market through innovation.

The reality is that in a market which is dominated only by a few, it is very hard for people who have great ideas to get a start. We all know, and I guess I am learning all the time, about how the internet and digitisation are in fact helping some of those people get to market. For that I am very grateful, and I encourage many of our local businesses to take up those opportunities. But I want to take the debate away from the stale economics, the purist economics. I have sat with the panel of the Harper review and I respect each of those individuals greatly. However, today I want to take this chamber and my colleagues on both sides of this House down to another place—that is, the reality of how people build relationships, believe in each other and, in doing so, create opportunities, jobs and wealth in the community. I believe that the old adage of a fair go and having a go are pivotal to the Australia that I want to see the next generation inherit.

As we step forward, and in March we will get the final report from the Harper review, there will be a lot of questions for this chamber to discuss, trawl over and in some cases implement. What I am going to bring to this chamber today is a request that every member of this place and the other place look to the sort of Australia that we want to leave to the next generation when it comes to innovation, entrepreneurship and having a go—the small man who gets a start and makes it big. If we only take the purist view of economics about open market access and deregulation then we may miss some of the opportunities that I am about to share with you today.

I am going to bring to the attention of the House three living examples of what can be lost if only big players remain in the market place. The first I draw your attention to is a company based on the Sunshine Coast at Warana in Caloundra, and, Mr Deputy Speaker Goodenough, is now in Perth, your home town. It is a company called Maslen Australia. They are an advanced refrigeration technology company and their motto is ‘innovation in refrigeration’. This is a company that had to use partner to partner, business to business, human being to human being contacts in order to get a start in the markets that they are now in. They went to Roz White from White’s IGA and said, ‘We have a solution for you.’ Ask yourself: if they had gone to the wonderful departments in Woolworths, Coles or Aldi and said, ‘We have an idea for you,’ would that be for someone else? But when they are able to deal one entrepreneur to another, Roz White and her husband were able to take a gamble, if you like, and in doing so they have delivered some extraordinary outcomes.

Here we are talking about global greenhouse gas emissions. Let me tell you that the people of Perth are now going to be able to enjoy what the people of Caloundra on the Sunshine
Coast have. They have provided into their IGA superstore an energy efficiency which is half the power that the previous refrigeration units were using, saving 3,000 kilowatt hours per day. It is an investment that would not have been able to be made if it were not for one entrepreneur talking to another. In the words of the proprietor, John Maslen, today: 'It was only that we were able to showcase our product.' In other words, an IGA was able to give them a start. They have now been able to expand to meet further demands. They have gone from 20 staff to 45 nationally. They are running two shifts, and this is only the beginning of their journey. But it started because innovation was able to flourish and because small business was able to work together. If there were only Coles, Woolworths and Aldi, would this have occurred?

Let me take you to a second example: Aussie Smokehouse at Warana. Mr Deputy Speaker, are you aware that the ham that you and the attendants here today are likely to buy at one of the big supermarkets in the lead-up to Christmas was probably made seven or eight months ago? Yes, I see the eyes light up. Isn't it wonderful, carving that wonderful ham, fresh off the bone? No—it is eight months old. But if you were to buy an Aussie Smokehouse smoked ham, which has recently won the national best smoked ham for Christmas in Australia, it was made somewhere between one and 14 days ago. It is genuinely fresh. Paul Rae works there incredibly long hours. How has he done it? Again, because he got a start with local businesses. He started supplying a small chain and through that has been able to develop his business from just three years ago, when he started this brand with 1,400 hams. This year he will produce 30,000. He could sell another 30,000 into Sydney as well, but at the moment he does not have the capacity. He has to reinvest everything back into it. But, without that small business to small business connection, that innovation would not have seen the light of day. The vision would not have turned into jobs for the Sunshine Coast and we would not be eating fresh hams.

Let me take you to the third example. Keep in mind, what I am here today about is in relation to the review that is before us, the Harper review. I am saying: let us be careful. We want to make sure that we deliver an Australia in the future, for the next generation, that allows the sort of innovation that we are referring to here today to happen and to flourish, not to kill it off.

The next company I take you to is at Maleny. Joseph Zehnder owns this company. It is called Zehnder Gluten Free. Back just over six years ago he was asked by Rob Outridge at IGA whether he could produce a cake and biscuit brand with gluten-free products. Today—and, as I said, I am not against big business—he does not just supply the IGA there at Maleny: he supplies Woolworths around the country. He supplies into Asia and into Europe. What a success story in just six-odd years. But under a pure economics model he would not have got off the ground. The jobs that are now in regional Australia would not have occurred. The innovation would not be there, and the people who need gluten-free products would not have had the ranges that he has. But it started because of a relationship between a wonderful, successful local businessman, Rob Outridge, and Joseph Zehnder, working together to make that happen. The point I make is that you can go to big companies with these ideas, but the first thing they will look for is, 'What's in it for the shareholders?' Generally the equation is, 'This is the price that we need, and can you supply this massive market today?' 'Well, no, actually I can't; I can supply one store today, and maybe five stores in six months time, and
grow from there.' That is what you get when you have a 'give it a go' attitude and you have policies that support it.

As we look at trading hours deregulation, at planning laws, at the effects test and at predatory practices through the purest eyes of economics, we sometimes forget the reality that by putting in these policies—and we can point to the academics that can show you the benefits—what may we lose? I say to all of my colleagues on both sides of this chamber: do not throw the baby out with the bathwater. What sort of Australia do we want to leave for the next generation? Let us have competition, let us have less regulation, let us have big business and small business flourish, and let us make sure that the innovation, the entrepreneurialism and the go-getters that have made Australia the country that it is—which has led in medicine, in agriculture and in service delivery—can continue. I can warn this House that, if we allow the current trend of centralisation to occur, we as a nation will be worse for it. That is the challenge before us. We should step up to the blocks, underpin our policies with the values that are important to us all and ensure that small and medium enterprises and innovators flourish into the future.

**The DEPUTY SPEAKER (Mr Goodenough):** The time for the grievance debate has expired. 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.

*Federation Chamber adjourned at 17:46*
QUESTIONS IN WRITING

Infrastructure Projects
(Question No. 228)

Mr Albanese asked the Minister for Infrastructure and Regional Development, in writing, on 14 July 2014:

Which of the following infrastructure projects were subject to a signed project agreement with the relevant state government as at 11.59pm on 30 June 2014:

(a) Westconnex Stage 1A, New South Wales (NSW)
(b) Westconnex Stage 1B, NSW
(c) Westconnex Stage 2, NSW
(d) Westconnex Stage 3, NSW
(e) East-West Link Stage 1, Victoria
(f) East-West Link Stage 2, Victoria
(g) Toowoomba Second Range Crossing, Queensland
(h) Cape York Regional Package, Queensland
(i) Bruce Highway Package, Queensland
(j) Perth Freight Link/Roe 8, Western Australia
(k) North-South Road—Darlington Interchange, South Australia
(l) Midland Highway, Tasmania, and
(m) Northern Territory Roads Package, Northern Territory.

and for each, what was the (i) title, and (ii) date, of the signed project agreement.

Mr Truss: The answer to the honourable member's question is as follows:

All States and Territories have agreed to the project schedules provided to them as part of the 2014-15 Budget process. The WestConnex, East-West Link and Toowoomba Second Range Crossing projects also have signed Memorandums of Understanding with their respective States.

Building Multicultural Communities Program
(Question No. 255)

Ms Rowland asked the Minister for Social Services, in writing, on 26 August 2014:

(1) Is it a fact that $11.5 million was taken from the Building Multicultural Communities Program, as per Mid-year Economic and Fiscal Outlook on 12 December 2013; if so, where has it been redirected to.

(2) Has this figure increased since Estimates on 27 February 2014.

Mr Andrews: The answer to the honourable member's question is as follows:

(1) Yes, $11.5 million was saved from the BMCP at the Mid-year Economic and Fiscal Outlook (MYEFO). The funding has not been redirected - it has been used to help repair the Budget debt and deficit disaster left by the former Government. The BMCP was a one year only programme for the 2013-14 financial year.

(2) No.
**Sinodinos, Senator Arthur**

(Question No. 265)

Dr Leigh asked the Treasurer, in writing, on 26 August 2014:

Since 20 March 2014, has Senator Arthur Sinodinos attended any meetings with Treasury or Department of Finance officials at which the (a) Treasurer, or (b) Parliamentary Secretary to the Treasurer, or (c) Minister for Finance, were also present; if so, (i) on what dates were these meetings held, and (ii) for what purpose.

Mr Hockey: The answer to the honourable member's question is as follows:

Treasury officials have not attended any meetings since 20 March 2014 where Senator Sinodinos has been present.

**Crime Statistics**

(Question No. 270)

Mr Kelvin Thomson asked the Minister for Justice, in writing, on 26 August 2014:

Is the information in the annual compendium of crime statistics, Australian Crime: Facts & Figures: 2013, recorded by postcode and region; if so, what is the breakdown for the Northern Suburbs of Melbourne?

Mr Keenan: The answer to the honourable member’s question is as follows:

No. The statistics are derived on a state-by-state basis from the Australian Bureau of Statistics and other national databases. Some local crime statistics are available from State Police and are generally reported by police administrative areas.

**Assistant Treasurer**

(Question No. 271)

Dr Leigh asked the Treasurer, in writing, on 26 August 2014:

(1) What, if any, facilities are maintained within The Treasury for the Assistant Treasurer, including but not limited to office space and support staff.
(2) What is the annual cost of these facilities, including any staff costs.
(3) On how many occasions since 20 March 2014 has the Acting Assistant Treasurer made use of these facilities.

Mr Hockey: The answer to the honourable member's question is as follows:

(1) The Treasury does not maintain facilities for the Assistant Treasurer in the Treasury building.
(2) N/a
(3) N/a

**Acting Assistant Treasurer**

(Question No. 272)

Dr Leigh asked the Treasurer, in writing, on 26 August 2014:

Since 20 March 2014, have letterhead, business cards, envelopes and other stationery been printed bearing the name of the Acting Assistant Treasurer; if so, what was the total cost of these printed items.

Mr Hockey: The answer to the honourable member's question is as follows:

No letterhead, business cards, envelopes or other stationery has been printed bearing the name of the Acting Assistant Treasurer.
Ms Rowland asked the Minister for Social Services, in writing, on 27 August 2014:

What is the exact grant processing process within the (a) Department of Social Services, and (b) Department of Immigration, and how do they differ.

Mr Andrews: The answer to the honourable member’s question is as follows:

(a) Process for administering DSS grants:

The process for administering Department of Social Service (DSS) grants is outlined within the Department’s Programme Management System (PMS). The PMS contains standard processes, templates and tools to direct grant administration, including clear roles and responsibilities against each stage of the grants lifecycle.

The PSS ensures compliance with the Commonwealth Resource Management Framework (Public Governance, Performance and Accountability Act 2013, Commonwealth Grant Rules and Guidelines and Commonwealth Procurement Rules) and best practice principles to reduce red tape, support grant recipient engagement and increase standardisation and efficiency.

Under the guidance of PMS procedures, DSS uses the following process to administer a grant programme or activity:

• Following the announcement of a new policy or funding initiative, or the review and redesign of an existing grant activity, DSS commences the planning and design phase.

• The planning and design phase includes the confirmation of legal authority and funding, as well as the development of an evaluation strategy. It also includes the design of the programme delivery model (based on evidence), review and/or development of the programme logic and programme guidelines, funding approvals, design risk identification and management and development of the grant agreement.

• A selection process management plan is prepared and approved by the delegate during this phase. The plan provides guidance on all aspects of the selection process, including how applications are received, handled and assessed and the governance arrangements for the process. It lists the selection criteria and eligibility requirements to be met by applicants and gives clear justification for the type of selection process being used.

• The selection phase includes the design, development and publishing of an application pack, consisting of an application form, the programme guidelines and draft grant agreement.

There are three main selection processes used:

• an open and competitive process – opportunities for funding are widely advertised and applicants compete for available funding. The application periods open and close on nominated dates, with applications assessed against eligibility and selection criteria and then ranked against other applications;

• a restricted competitive process – open to a small number of potential grant recipients based on the specialised requirements of the activity. Identified providers are invited to submit a proposal, with applications assessed against eligibility and selection criteria and then ranked.

• a direct approach – proposals sought from known providers to deliver a specific activity. Approached providers will all be funded if they agree and meet assessment parameters.

For applicants ranked suitable, service provider capacity risk assessments and financial viability assessments are conducted where proportional to the risk of the grant. Funding recommendations are then provided to the delegate for approval.
Delegate approval is followed by a Ministerial announcement and/or online publication of the selection process outcomes.

The selection phase is followed by an offer of grant funding and negotiation and execution of grant agreements with successful applicants.

Once executed, grants are managed by the DSS staff in State and Territory offices. The management process includes monitoring the delivery of agreed services, relationship management, capacity building and making payments in line with the terms of the agreement.

Following this, programmes and activities are reviewed in line with the evaluation strategy designed during the planning and design phase.

(b) Process for administering grants in the Department of Immigration

Questions relating to the Department of Immigration's exact grant processing arrangements will need to be directed to the Minister for Immigration and Border Protection, the Hon Scott Morrison MP.

Building Multicultural Communities Program
(Question No. 281)

Ms Rowland asked the Minister for Social Services, in writing, on 27 August 2014:
Can he provide a copy of the Building Multicultural Communities Program funding agreement between his department and an applicant for (a) Stream 1, and (b) Stream 2.

Mr Andrews: The answer to the honourable member's question is as follows:
(a) and (b)
Copies of the template can be obtained from the House of Representatives Table Office.

Sydney Airport: Company Tax
(Question No. 292)

Mr Albanese asked the Treasurer, in writing, on 28 August 2014:
What amount of company tax was paid to the Commonwealth by the listed entity that, at that time, owned Sydney Airport in each financial year from 2002-03 to 2012-13.

Mr Hockey: The answer to the honourable member's question is as follows:
The Treasurer is unable to access this information, due to the confidentiality provisions of the taxation law.

Tourism Demand Driver Infrastructure Program
(Question No. 296)

Mr Albanese asked the Minister for Trade and Investment, in writing, on 1 September 2014:
(1) What sum is allocated to each state and territory per financial year under the Tourism Demand Driver Infrastructure (TDDI) program.
(2) On what date will state and territory governments receive their 2014-15 allocation from the TDDI program.
(3) How many jobs will be directly created through the TDDI program.
(4) Will public transport projects be eligible for funding under the TDDI program.

Mr Robb: The answer to the honourable member's question is as follows:
(1) The sums allocated per financial year for states and territories under the Tourism Demand Driver
Infrastructure (TDDI) programme is based on a formula endorsed by all state and territory tourism
ministers at the Tourism Ministers Meeting on 11 July 2014.
(2) Payments to each state and territory government in 2014-15 will be linked to achievement of
negotiated project milestones within the partnership agreement.
(3) The potential for job creation will be directly linked to the type of projects funded by each state and
territory government.
(4) Principles for the TDDI programme agreed to by all state and territory government include the use
of funds for transport projects that will drive tourism demand.

**Cadbury Chocolate Factory Funding**

*(Question No. 297)*

**Mr Albanese** asked the Minister for Trade and Investment, in writing, on 1 September 2014:

(1) What justification for taxpayer funds did Cadbury provide before the Government announced a $16
million grant on 28 August 2013.

(2) Will the Government make public the business case for the Cadbury project.

**Mr Robb:** The answer to the honourable member's question is as follows:

(1) $16 million was committed towards a $66 million project to upgrade the Cadbury Chocolate
Factory in Claremont, Tasmania, to boost innovation, support growth in local manufacturing jobs and
expand tourism.

(2) The Government would only consider releasing the business case with the permission of the project
proponent, Cadbury Australia (Mondelez Australia (Foods) Ltd).

**Survey of Tourist Accommodation Funding**

*(Question No. 298)*

**Mr Albanese** asked the Minister for Trade and Investment, in writing, on 1 September 2014:

When will funding for the Survey of Tourist Accommodation cease.

**Mr Robb:** The answer to the honourable member's question is as follows:

The Australian Bureau of Statistics (ABS) announced on 5 June 2014 that it will discontinue the
Survey of Tourist Accommodation (STA). Austrade negotiated with the ABS to continue the collection
for the 2013–14 financial year, and has provided the ABS with the funding it needs to collect and
process accommodation data for this period (with data scheduled to be released on 14 December 2014).
Austrade is currently working with government and industry representatives to examine options for a
sustainable funding model for the STA beyond 2013–14.

**Tourism Australia Funding**

*(Question No. 299)*

**Mr Albanese** asked the Minister for Trade and Investment, in writing, on 1 September 2014:

Will the Government implement the National Commission of Audit's recommendation that funding
for Tourism Australia be halved.

**Mr Robb:** The answer to the honourable member's question is as follows:
I refer the Member to Portfolio Budget Statements 2014-15, Budget Related Paper No.19, Foreign Affairs and Trade Portfolio, specifically the Programme 1.1 Foreign Affairs and Trade Operations Programme Expenses table (p.32) for the funding of Tourism Australia in 2014–15 and over the forward years to 2017–18:

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Tourism Australia

And Programme 1.3 Public Information Services and Public Diplomacy (p.37)

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Tourism Australia

Building Multicultural Communities Program

(Question No. 320)

Ms Rowland asked the Minister for Social Services, in writing, on 2 September 2014:

(1) In respect of Freedom of Information request No. 13/14-078, of the 35 Stream 1 grants for the Building Multicultural Communities Program (BMCP) which did not proceed ‘because the grant organisations did not comply with the terms of their letter of offer’ (Department of Social Services Minute MN13-000014), (a) what were the reasons for non-compliance, (b) what information or documentation was not provided, (c) did a deadline apply to this compliance, and (d) did any applicants miss this deadline.

(2) Which two Stream 2 BMCP grants, totalling $215,429, are proceeding, and what (a) are the names of the applicants, (b) is the purpose of each grant, and (c) is the amount of each grant.

Mr Andrews: The answer to the honourable member’s question is as follows:

(1) Please see copy of Stream 1 Letter of Offer Copies of the attachments can be obtained from the House of Representatives Table Office and refer to the answer to Question on Notice 912 from Budget Estimates hearings of June 2014.

(2) Please refer to the response to House of Representatives Parliamentary Question on Notice 245.

Building Multicultural Communities Program

(Question No. 323)

Ms Rowland asked the Minister for Social Services, in writing, on 2 September 2014:

(1) What were the reasons for withdrawing Building Multicultural Communities Program funding from the United Muslim Women's Association Inc, as referred to in the Settlement Planning Coordinator's email (Freedom of Information request No. 13/14-078).

(2) What sum of funding did the Association apply for, and for what purpose.
(3) Was the Association's funding withdrawn 'as a result of the review' as stated in an email from Ministerial Minutes dated 15 January 2014; if so, (a) what is the full title of this review, (b) was the review made public, and (c) who conducted or led the review.

(4) Can he provide a copy of his Parliamentary Secretary's letter to the New South Wales Member for Goulburn, referred to in a letter dated 12 February 2014.

Mr Andrews: The answer to the honourable member's question is as follows:

(1) Following the whole of government review of discretionary grants, the Government decided to reduce the scope of the Building Multicultural Communities Programme (BMCP).

(2) Information about grant applicants approved by the former Minister for Multicultural Affairs in August 2013 is available in the answer to Question on Notice 244.

(3) Yes.

(a) to (c) The whole of government review of discretionary grant spending was led by the Department of Finance. The review commenced on 4 October 2013. The review found that the majority of Department of Social Services grants were able to proceed for 2013-14, with a small number of unexecuted grants ceasing. All executed grants were honoured. This was a decision of Government.

(4) The Department requires further information to identify this correspondence.

Minister for Tourism
(Question No. 324)

Mr Albanese asked the Minister for Trade and Investment, in writing, on 2 September 2014:

Has he received any correspondence in respect of the failure of the Government to appoint a Minister for Tourism.

Mr Robb: The answer to the honourable member's question is as follows:

No—the Minister for Trade and Investment is the minister for tourism.

Bureau of Statistics: Survey of Tourist Accommodation
(Question No. 325)

Mr Albanese asked the Minister for Trade and Investment, in writing, on 2 September 2014:

Prior to the public announcement on 5 June 2014, was he informed of the decision by the Australian Bureau of Statistics to cease funding for the Survey of Tourist Accommodation.

Mr Robb: The answer to the honourable member's question is as follows:

No.

Tourism Industry Regional Fund
(Question No. 326)

Mr Albanese asked the Minister for Trade and Investment, in writing, on 2 September 2014:

Has he received any correspondence from any of the 450 tourism operators who had submitted applications under Round 2 of the Tourism Industry Regional Fund.

Mr Robb: The answer to the honourable member's question is as follows:

Yes.
Australian Bureau of Statistics

(Question No. 327)

Mr Albanese asked the Treasurer, in writing, on 2 September 2014:

In respect of the Australian Bureau of Statistics' (ABS's) statement on 5 July 2014 about the Survey of Tourist Accommodation, claiming that the ABS is consulting with stakeholders to review the collection and seek a more permanent funding arrangement, (a) when did the consultation process begin, and when will it end, (b) which stakeholders are being consulted, (c) will submissions received as part of the consultation process be made public, (d) what process will the ABS undertake following the consultation period to determine the future of the survey, (e) when will a final decision on the future of the survey be announced, and (f) who does the ABS consider the 'users' to be.

Mr Hockey: The answer to the honourable member’s question is as follows:

(a) The consultation process began in August 2014 with a workshop facilitated by Australian Trade Commission (AUSTRADE). The consultation process is expected to conclude in December 2014.

(b) The consultation process will engage a range of stakeholders including industry representative bodies, accommodation providers, tourism operators, commercial property investors, and commonwealth government, state/territory government and regional tourism agencies.

(c) Consultation has been primarily facilitated by a series of workshops.

(d) At the conclusion of the consultation process the ABS, in collaboration with AUSTRADE, will examine the information needs of stakeholders, tailor a suitable collection solution, and provide recommendations on an appropriate funding model for the consideration of stakeholders.

(e) A decision of the future of the survey is expected to be finalised and announced by March 2015.

(f) The ABS considers that the stakeholders listed in (b) represent the major users of the survey.

Department of the Treasury: Drinks Cabinet for Ministers

(Question No. 334)

Mr Conroy asked the Treasurer, in writing, on 3 September 2014:

Since 7 September 2013, has the Minister's department paid for or stocked the 'drinks cabinet' for (a) the Minister, and where applicable, each (b) junior Minister (including Assistant Ministers), and (c) Parliamentary Secretary; if so, at what cost.

Mr Hockey: The answer to the honourable member's question is as follows:

No.

Attorney-General's Department: Hospitality

(Question No. 350)

Mr Conroy asked the Minister representing the Attorney-General, in writing, on 3 September 2014:

In respect of hospitality since 7 September 2013, has the Minister's department paid for any function to introduce to the department (a) the Minister, (b) the Minister's staff, and where applicable, each (c) junior Minister (including Assistant Ministers), (d) junior (and Assistant) Minister's staff, (e) Parliamentary Secretary, and (f) Parliamentary Secretary's staff; if so, at what cost.

Ms Julie Bishop: The Attorney-General has provided the following answer to the honourable member's question:

Yes. The cost of the event was $2043.45 (excl GST).
Questions in Writing

Department of Human Services: Hospitality
(Question No. 359)

Mr Conroy asked the Minister representing the Minister for Human Services, in writing, on 3 September 2014:

In respect of hospitality since 7 September 2013, has the Minister's department paid for any function to introduce to the department: (a) the Minister; (b) the Minister's staff, and where applicable; each (c) junior Minister (including Assistant Ministers); (d) junior (and Assistant) Minister's staff; (e) Parliamentary Secretary; and (f) Parliamentary Secretary's staff; if so, at what cost.

Mr Andrews: The answer to the honourable member's question is as follows:

(a) No.
(b) Yes, $625.00. Afternoon tea was organised in departmental premises for the Minister's staff to meet staff.
(c) Not applicable.
(d) Not applicable.
(e) Not applicable.
(f) Not applicable.

Department of the Environment: Hospitality
(Question No. 362)

Mr Conroy asked the Minister for the Environment, in writing, on 3 September 2014:

In respect of hospitality since 7 September 2013, has the Minister's department paid for any function to introduce to the department (a) the Minister, (b) the Minister's staff, and where applicable, each (c) junior Minister (including Assistant Ministers), (d) junior (and Assistant) Minister's staff, (e) Parliamentary Secretary, and (f) Parliamentary Secretary's staff; if so, at what cost.

Mr Hunt: The answer to the honourable member's question is as follows:

I was introduced to staff in the Department on 3 occasions, at major office locations (2 in Canberra and 1 in Hobart). The cost of catering for attendees totalled $278.69.

My Department has not paid for any function to introduce any of my staff or Parliamentary Secretary Birmingham to the Department.

Attorney-General's Department: Secondments
(Question No. 368)

Mr Conroy asked the Minister representing the Attorney-General, in writing, on 3 September 2014:

Since 7 September 2013, (a) how many departmental officials have been seconded to the (i) Minister's office, and where applicable, each (ii) junior Minister's office (including Assistant Ministers), and (iii) Parliamentary Secretary's office, (b) for how long, and (c) at what level.

Ms Julie Bishop: The Attorney-General, has provided the following answer to the honourable member's question:

The following table provides details of departmental officials seconded to the offices of the Attorney-General and Minister for the Arts and the Minister for Justice for the period 7 September 2013 to 3 September 2014 (inclusive):

Office of the Attorney-General and Minister for the Arts:
<table>
<thead>
<tr>
<th>Position Type</th>
<th>Level</th>
<th>Period (Calendar Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>DLO</td>
<td>EL1</td>
<td>25</td>
</tr>
<tr>
<td>DLO</td>
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</tr>
<tr>
<td>Relief Adviser</td>
<td>EL2</td>
<td>32</td>
</tr>
<tr>
<td>Relief Reception</td>
<td>APS 5</td>
<td>58</td>
</tr>
<tr>
<td>Relief Reception</td>
<td>APS 5</td>
<td>4</td>
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<tr>
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<td>APS 5</td>
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<td>Relief Reception</td>
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<tr>
<td>Relief Reception</td>
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</tr>
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<tr>
<td>Transitional Adviser</td>
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<td>3</td>
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<tr>
<td>Transitional Adviser</td>
<td>EL1</td>
<td>26</td>
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**Office of the Minister for Justice:**

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<th>Position Type</th>
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</tr>
</thead>
<tbody>
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</tr>
<tr>
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<td>DLO Relief</td>
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<tr>
<td>DLO Relief</td>
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<td>3</td>
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<tr>
<td>DLO Relief</td>
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<td>Relief Adviser</td>
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<td>12</td>
</tr>
<tr>
<td>Relief Adviser</td>
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</tr>
<tr>
<td>Position Type</td>
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<td>Period (Calendar Days)</td>
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<tr>
<td>------------------------</td>
<td>-------</td>
<td>------------------------</td>
</tr>
<tr>
<td>Relief Adviser</td>
<td>EL1</td>
<td>24</td>
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<tr>
<td>Relief Reception</td>
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<tr>
<td>Relief Reception</td>
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<tr>
<td>Transitional Adviser</td>
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<td>EL2</td>
<td>81</td>
</tr>
</tbody>
</table>

**Department of Defence: Secondments**  
*(Question No. 369)*

**Mr Conroy** asked the Minister representing the Minister for Defence, in writing, on 3 September 2014:

Since 7 September 2013, (a) how many departmental officials have been seconded to the (i) Minister's office, and where applicable, each (ii) junior Minister's office (including Assistant Ministers), and (iii) Parliamentary Secretary's office, (b) for how long, and (c) at what level.

**Ms Julie Bishop:** The Minister for Defence has provided the following answer to the honourable member's question:

There have been no secondments to the offices of the Defence portfolio Ministers or Parliamentary Secretary beyond temporary appointments, of less than 90 days duration, following the 2013 Federal Election - in accordance with paragraph 5.3.3 of the Department of Finance's *Ministers of State Entitlements* handbook and the practice of successive governments.

**Department of Finance: Secondments**  
*(Question No. 371)*

**Mr Conroy** asked the Minister representing the Minister for Finance, in writing, on 3 September 2014:

Since 7 September 2013, (a) how many departmental officials have been seconded to the (i) Minister's office, and where applicable, each (ii) junior Minister's office (including Assistant Ministers), and (iii) Parliamentary Secretary's office, (b) for how long, and (c) at what level.

**Mr Hockey:** The Minister for Finance has supplied the following answer to the honourable member's question:

(a) None.

(b) and (c) Not applicable.

**Department of Industry: Secondments**  
*(Question No. 375)*

**Mr Conroy** asked the Minister for Industry, in writing, on 3 September 2014:

Since 7 September 2013, (a) how many departmental officials have been seconded to the (i) Ministers office, and where applicable, each (ii) junior Minister's office (including Assistant Ministers), and (iii) Parliamentary Secretary's office, (b) for how long, and (c) at what level.

**Mr Ian Macfarlane:** The answer to the honourable Member's question is as follows:
Since 7 September 2013, a total of 16 officials from the department have been seconded to the Minister's office, including three departmental liaison officers, seven advisers and six administrative officers.

Since 7 September 2013, a total of five officials from the department have been seconded to the Parliamentary Secretary's office, including one departmental liaison officer, one adviser and three administrative officers.

The classification levels of the officers have ranged between APS 4 to SES Band 2 and the length of the secondments ranged from three weeks to twelve months. These figures are current as at 3 September 2014.

**Media Monitoring and Clipping Services**  
*(Question No. 397)*

**Mr Conroy** asked the Minister for Health, in writing, on 3 September 2014:

In respect of media monitoring and clipping services in the financial periods since 7 September 2013, (a) what sum has been spent on such services engaged by (i) the Minister's office, and where applicable, each (ii) junior Minister (including Assistant Ministers), and (iii) Parliamentary Secretary, and (b) what was the (i) name, and (ii) postal address, of each media monitoring company engaged by each of these offices.

**Mr Dutton:** The answer to the honourable member's question is as follows:

(a) (i) to (iii) No media monitoring services are engaged by the Minister's office or the Assistant Minister's office. The offices have access to the media monitoring service engaged by the Department of Health.

The total Departmental cost for the period 7 September 2013 to 30 June 2014 was $698,025.09 (GST exclusive) and includes services to five portfolio agencies and covers the Department of Health, including the Therapeutic Goods Administration, National Industrial Chemicals Notification and Assessment Scheme and Office of the Gene Technology Regulator. The Department's financial system does not break down the cost of media monitoring services to the level required to separately identify details of services provided to the Ministers' offices.

(b) (i) The service is provided by iSentia Media Pty Ltd.

(ii) 131 Canberra Avenue, Griffith ACT 2603.

**Westernport: Shapiro Report**  
*(Question No. 405)*

**Ms Burke** asked the Minister for the Environment, in writing, on 4 September 2014:

Has he initiated a new Shapiro report phase 2 into Westernport, Victoria.

**Mr Hunt:** The answer to the honourable member's question is as follows:

The management and protection of Western Port is primarily a Victorian State Government responsibility. The Australian Government currently has a role in regulating activities where there are likely to be significant impacts to nationally protected matters.

I have, however, discussed with the Victorian Government how an updated Shapiro study may be achieved, as well as the necessity for any environmental assessments of future developments being based on relevant and up-to-date information that reflects the current environmental status of Western Port Bay.
Automotive Industry  
(Question No. 407)  

Mr Zappia asked the Treasurer, in writing, on 4 September 2014:  

Further to part (3) of the Minister for Industry's answer to question in writing No. 220 (House Hansard, 27 August 2014, page 145), what was the cost of the Productivity Commission's inquiry into Australia's Automotive Manufacturing Industry.  

Mr Hockey: The answer to the honourable member's question is as follows:  
Please refer to page 57 of the 2013-14 Annual Report of the Productivity Commission.  

Department of Foreign Affairs: Commonwealth Grants  
(Question No. 416)  

Mr Conroy asked the Minister for Foreign Affairs, in writing, on 22 September 2014:  

In 2013-14, how many Commonwealth grants were approved by the Minister's department, and at what total cost, and of these, how many recipients have (a) signed funding agreements, and at what total cost, and (b) received payment, and at what total cost.  

Ms Julie Bishop: The answer to the honourable member's question is as follows:  
A list of approved grants for 2013-14 to date is publicly available on the department's website at:  
(a) All approved grants have signed funding agreements.  
(b) The timing of grant payments vary with the terms of the funding agreement, however, payment is generally made in full when the funding agreement takes effect. To review payment terms for every grant issued this year to date will entail significant diversion of resources and in these circumstances I do not consider the additional work can be justified.  

Department of Agriculture: Commonwealth Grants  
(Question No. 421)  

Mr Conroy asked the Minister for Agriculture, in writing, on 22 September 2014:  

In 2013-14, how many Commonwealth grants were approved by the Minister's department, and at what total cost, and of these, how many recipients have (a) signed funding agreements, and at what total cost, and (b) received payment, and at what total cost.  

Mr Joyce: The answer to the honourable member's question is as follows:  
The Department of Agriculture tables the Senate Order on grants—a list of grants approved by the department—prior to each Senate Estimates Hearing. The Senate Order lists are available on the Senate Tabled Papers Database at aph.gov.au.  
A list of all grants with a signed funding agreement is published under grants and assistance on the department's website at agriculture.gov.au.  
Grant payments are made in accordance with the agreement between the department and the grantee. An attempt to determine this level of detail would involve an unreasonable diversion of departmental resources.  

Department of Education: Commonwealth Grants  
(Question No. 422)  

Mr Conroy asked the Minister for Education, in writing, on 22 September 2014:
In 2013-14, how many Commonwealth grants were approved by the Minister's department, and at what total cost, and of these, how many recipients have (a) signed funding agreements, and at what total cost, and (b) received payment, and at what total cost.

Mr Pyne: The answer to the honourable member's question is as follows:

The Department of Education's grants are published on the department's internet site. The site provides details of grants awarded for the relevant period and is available at the following address: www.education.gov.au/grants.

Department of Communications: Commonwealth Grants
(Question No. 427)

Mr Conroy asked the Minister for Communications, in writing, on 23 September 2014:

In 2013-14, how many Commonwealth grants were approved by the Minister's department, and at what total cost, and of these, how many recipients have (a) signed funding agreements, and at what total cost, and (b) received payment, and at what total cost?

Mr Turnbull: The answer to the honourable member's question is as follows:

In 2013-14, the Department of Communications approved 97 new grants at a total cost of $65,462,720. In addition, amendments to 2 existing grants were approved at a total cost of $70,499,308.

All recipients have signed agreements at the total cost identified above.

It is considered an unreasonable diversion of departmental resources to identify payments made in the period due to the time consuming nature of gathering the data.

All departmentally approved grants for the period were published on the department's website:

Department of the Treasury: Staff Overseas Travel
(Question No. 437)

Mr Conroy asked the Treasurer, in writing, on 22 September 2014:

In respect of departmental staff overseas travel since 7 September 2013, what (a) was the total cost, (b) is the breakdown of this cost i.e., airfares, accommodation, hospitality, official passports and minor incidentals, and (c) was the travel for.

Mr Hockey: The answer to the honourable member's question is as follows:

(a) Total cost $2,968,476.93
(b) Breakdown of the cost

<table>
<thead>
<tr>
<th></th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfares</td>
<td>$1,934,742.11</td>
</tr>
<tr>
<td>Accommodation</td>
<td>$362,150.75</td>
</tr>
<tr>
<td>Hospitality</td>
<td>$560,101.15</td>
</tr>
<tr>
<td>Official Passport</td>
<td>$34,235.05</td>
</tr>
<tr>
<td>Minor Incidentals</td>
<td>$77,247.87</td>
</tr>
</tbody>
</table>

(c) Reason for travel?

The majority of the overseas travel costs relate to Australia's G20 presidency, other international engagement activities and costs associated with departmental staff at overseas posts. Of the total cost above, $173,297.32 relates to costs reimbursed to Treasury by the Department of Foreign Affairs and Trade.
Department of Employment: Staff Overseas Travel
(Question No. 441)

Mr Conroy asked the Minister representing the Minister for Employment, in writing, on 22 September 2014:

In respect of departmental staff overseas travel since 7 September 2013, what (a) was the total cost, (b) is the breakdown of this cost i.e., airfares, accommodation, hospitality, official passports and minor incidentals, and (c) was the travel for.

Mr Pyne: The Minister for Employment has provided the following answer to the honourable member's question:

The Department of Employment was established on 18 September 2013.

The total cost of overseas travel of departmental staff for the period 18 September 2013 to 30 September 2014 was $323,574.

Of the total cost, airfares comprised $223,167; accommodation $56,964; hospitality $0; official passports $0; and minor incidentals $12,892.

The travel was undertaken for departmental related business.

Department of Communications: Staff Overseas Travel
(Question No. 445)

Mr Conroy asked the Minister for Communications, in writing, on 22 September 2014:

In respect of departmental staff overseas travel since 7 September 2013, what (a) was the total cost, (b) is the breakdown of this cost i.e., airfares, accommodation, hospitality, official passports and minor incidentals and (c) was the travel for.

Mr Turnbull: The answer to the member's question is as follows:

(a) The total cost of departmental staff overseas travel from 1 September 2013 to 31 August 2014 was $0.329m (GST exc).

(b) and (c) The Department does not record travel data in a way that would readily allow individual components of travel to be identified. To attempt to provide this level of detail would involve an unreasonable diversion of departmental resources.

Department of the Environment: Staff Overseas Travel
(Question No. 447)

Mr Conroy asked the Minister for the Environment, in writing, on 22 September 2014:

In respect of departmental staff overseas travel since 7 September 2013, what (a) was the total cost, (b) is the breakdown of this cost i.e., airfares, accommodation, hospitality, official passports and minor incidentals, and (c) was the travel for.

Mr Hunt: The answer to the honourable member’s question is as follows:

For the period 7 September 2013 until 30 September 2014:

(a) $2,845,562

(b) The table below outlines overseas travel expenditure.

<table>
<thead>
<tr>
<th>Travel Expense</th>
<th>Amount $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfares</td>
<td>$2,217,415</td>
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<tr>
<td>Accommodation &amp; Allowances</td>
<td>$404,781</td>
</tr>
</tbody>
</table>
Other Expenses eg ground transportation: $223,366

(c) Travel is undertaken to ensure Australia’s interests and obligations are met. Some examples are detailed below.

- Departmental staff travelled to the Hague in March 2014 to attend the International Court of Justice’s judgement on Australia’s legal action against Japan’s programme of whaling in the Antarctic.
- Departmental staff travelled to France for meetings of the Montreal Protocol in July 2014 in support of efforts to reduce global consumption of ozone depleting substances.
- Departmental staff travelled to Fiji in August 2014 for meetings relating to protected wetlands and the Ramsar Convention.
- Departmental staff travelled to New Zealand in August and September 2014 to participate in meetings of the Scientific Committee on Antarctic Research and the Open Science Conference.
- Departmental staff travelled to Japan in July and August to lead workshops on Antarctic ecosystem research.
- Over the period 7 September 2013 to 30 September 2014, Departmental staff have undertaken various travel:
  - to Papua New Guinea to meet with the Kokoda Track Authority in relation to Australia’s ongoing heritage work relating to the Kokoda Trail.
  - to Indonesia, Thailand and Kenya to support those countries to establish national greenhouse gas inventories.
  - to Kiribati, Vanuatu, Fiji and Samoa to assist those countries to improve the resilience of infrastructure and water supplies to extreme weather.

**Department of the Treasury: Corporate Credit Cards**

(Question No. 456)

Mr Conroy asked the Treasurer, in writing, on 22 September 2014:
Since 7 September 2013, how many corporate credit cards have been issued to departmental staff, and what is the total cost of all transactions made on them.

Mr Hockey: The answer to the honourable member's question is as follows:
There were 102 credit cards issued during the period 7 September to 22 September 2014. The total spent for the same period is $1,086,183.

**Department of Agriculture: Corporate Credit Cards**

(Question No. 458)

Mr Conroy asked the Minister for Agriculture, in writing, on 22 September 2014:
Since 7 September 2013, how many corporate credit cards have been issued to departmental staff, and what is the total cost of all transactions made on them.

Mr Joyce: The Minister for Agriculture has provided the following answer to the honourable member's question:
As at 31 August 2014, the Department of Agriculture had 1,314 active corporate credit cards. During the period from 7 September 2013 to 31 August 2014, the department issued 212 corporate credit cards and cancelled 292 corporate credit cards.

The total cost of all transactions made by the department in this period was $5,483,292.
Department of Industry: Corporate Credit Cards
(Question No. 461)

Mr Conroy asked the Minister for Industry, in writing, on 22 September 2014:

Since 7 September 2013, how many corporate credit cards have been issued to departmental staff, and what is the total cost of transactions made on them?

Mr Ian Macfarlane: The answer to the honourable member's question is as follows:

The Department issued 750 corporate credit cards between 1 September 2013 and 30 June 2014. The total cost of transactions made on these corporate credit cards were $1,912,775.

Department of Communications: Corporate Credit Cards
(Question No. 464)

Mr Conroy asked the Minister for Communications, in writing, on 22 September 2014:

Since 7 September 2013, how many corporate credit cards have been issued to departmental staff, and what is the total cost of all transactions made on them.

Mr Turnbull: The answer to the member's question is as follows:

Since 7 September 2013, the Department has issued 37 corporate credit cards to Departmental staff. A small number of these were renewal credit cards for those that had expired.

The total of all transactions on these cards from 7 September 2013 to 31 August 2014 was $375,428.01 (GST inc).

Department of Health: Corporate Credit Cards
(Question No. 465)

Mr Conroy asked the Minister for Health, in writing, on 22 September 2014:

Since 7 September 2013, how many corporate credit cards have been issued to departmental staff, and what is the total cost of all transactions made on them.

Mr Dutton: The answer to the honourable member's question is as follows:

Since 07 September 2013, 44 corporate credit cards have been issued to staff in the Department of Health. In the period 07 September 2013 to 22 September 2014 the total value of all transactions on the above 44 cards was $272,927.98.

National Broadband Network
(Question No. 474)

Mr Kelvin Thomson asked the Minister for Communications, in writing, on 24 September 2014:

In respect of the rollout of the National Broadband Network in the electoral division of Wills,

(a) what is the latest information and advice, and (b) what are the current (i) rollout plans, (ii) timelines and (iii) connection forecasts, of NBN Co. Limited

Mr Turnbull: The answer to the member's question is as follows:

The following information on the NBN Co rollout is for the electorate of Wills.

(a) Latest information and advice:

<table>
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<tr>
<th>Technology</th>
<th>Rollout Statistic</th>
<th>Electorate of Wills</th>
<th>As at</th>
</tr>
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<tbody>
<tr>
<td>Brownfields</td>
<td>Premises passed</td>
<td>16,184</td>
<td>7 Oct 2014</td>
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Monday, 24 November 2014

<table>
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<tr>
<th>Technology</th>
<th>Rollout Statistic</th>
<th>Electorate of Wills</th>
<th>As at</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Premises activated</td>
<td>6,083</td>
<td>7 Oct 2014</td>
</tr>
<tr>
<td></td>
<td>Localities with available services</td>
<td>Brunswick, Brunswick East, Essendon Fields, Airport West, Gowanbrae, Parkville</td>
<td>7 Oct 2014</td>
</tr>
<tr>
<td>Greenfields</td>
<td>Premises passed</td>
<td>1,140</td>
<td>16 Sep 2014</td>
</tr>
<tr>
<td></td>
<td>Premises activated</td>
<td>716</td>
<td>16 Sep 2014</td>
</tr>
<tr>
<td></td>
<td>Localities with available services</td>
<td>Brunswick, Brunswick East, Brunswick West and Coburg North</td>
<td>16 Sep 2014</td>
</tr>
<tr>
<td>Fixed Wireless</td>
<td>Premises activated</td>
<td>0</td>
<td>16 Sep 2014</td>
</tr>
<tr>
<td>Satellite</td>
<td>Premises activated</td>
<td>4</td>
<td>7 Oct 2014</td>
</tr>
</tbody>
</table>

(b) (i) Current rollout plans:

<table>
<thead>
<tr>
<th>Technology</th>
<th>Rollout Statistic</th>
<th>Electorate of Wills</th>
<th>As at</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brownfields</td>
<td>Premises where build is underway</td>
<td>7,000</td>
<td>15 Oct 2014</td>
</tr>
<tr>
<td></td>
<td>Localities where build is underway services</td>
<td>Brunswick, Brunswick West, Strathmore Heights, Airport West</td>
<td>15 Oct 2014</td>
</tr>
<tr>
<td>Greenfields</td>
<td>Premises where build is underway</td>
<td>12</td>
<td>11 Sep 2014</td>
</tr>
<tr>
<td></td>
<td>Localities where build is underway services</td>
<td>Brunswick East</td>
<td>11 Sep 2014</td>
</tr>
<tr>
<td>Fixed Wireless</td>
<td>Build commenced</td>
<td>0</td>
<td>11 Sep 2014</td>
</tr>
</tbody>
</table>

(ii) and (iii) Rollout timeframes and connection forecasts of NBN Co

NBN Co is currently working on a new rollout schedule which will indicate when different parts of Australia will be connected to the NBN and what technology will be used. More information about the NBN rollout will be published by NBN Co on its website: www.nbnco.com.au.

National Broadband Network
(Question No. 475)

Mr Kelvin Thomson asked the Minister for Communications, in writing, on 23 September 2014:

In respect of the National Broadband Network in Brunswick, Victoria, an original rollout site,
(a) how is the rollout progressing, (b) how many homes and businesses (i). were connected as of 18 September 2014, and (ii) are forecast to be connected over the next 12 months, and (c) what technology will residents be receiving over the coming months and years.

Mr Turnbull: The answer to the member's question is as follows:
The following information on the NBN Co rollout is for the locality of Brunswick.
(a) how is the rollout progressing?

<table>
<thead>
<tr>
<th>Technology</th>
<th>Rollout Statistic</th>
<th>Brunswick</th>
<th>As at</th>
</tr>
</thead>
</table>
Mr Kelvin Thomson asked the Minister for Communications, in writing, on 23 September 2014:

In respect of the National Broadband Network in Strathmore Heights, and Gowanbrae, Victoria (a) how is the rollout progressing, (b) how many homes and businesses (i) were connected as of 15 September 2014, and (ii) are forecast to be connected over the next 12 months, and (c) what technology will residents be receiving over the coming months and years.

Mr Turnbull: The answer to the member's question is as follows:

The following information on the NBN Co rollout is for the localities of Strathmore Heights and Gowanbrae.

(a) how is the rollout progressing?

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Rollout Statistic</th>
<th>Gowanbrae</th>
<th>Strathmore Heights</th>
<th>As At</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brownfields</td>
<td>Build commenced premises</td>
<td>2900*</td>
<td>0</td>
<td>11 Sep 2014</td>
</tr>
<tr>
<td></td>
<td>Premises passed</td>
<td>882</td>
<td>0</td>
<td>3 Oct 2014</td>
</tr>
<tr>
<td>Greenfields</td>
<td>Build commenced premises</td>
<td>0</td>
<td>0</td>
<td>11 Sep 2014</td>
</tr>
<tr>
<td></td>
<td>Premises passed</td>
<td>0</td>
<td>0</td>
<td>3 Oct 2014</td>
</tr>
<tr>
<td>Fixed Wireless</td>
<td>Build commenced</td>
<td>0</td>
<td>0</td>
<td>11 Sep 2014</td>
</tr>
</tbody>
</table>

*Represents the total build commenced premises in the FSAM of Tullamarine where Gowanbrae and Strathmore Heights are located.

(b) (i) how many homes and businesses were connected as of 15 September 2014?

(b) (ii) and (c) forecast of premises to be connected over the next 12 months and what technology will residents be receiving over the coming months and years.

NBN Co is currently working on a new rollout schedule which will indicate when different parts of Australia will be connected to the NBN and what technology will be used. More information about the NBN rollout will be published by NBN Co on its website: www.nbnco.com.au.

**National Broadband Network**

(Question No. 476)
Mr Kelvin Thomson asked the Minister for Communications, in writing, on 23 September 2014:

When can residents in (a) Coburg, (b) Pascoe Vale, (c) Glenroy, (d) Hadfield, (e) Fawkner, and (f) Oak Park Victoria, expect to be connected to the National Broad Network.

Mr Turnbull: The answer to the member's question is as follows:

As you may be aware, by September 2013 the NBN rollout was 462,000 premises (or 55 per cent) behind the revised schedule announced by the former government in August 2012, while the total funding NBN Co Limited (NBN Co) needed to complete the network was estimated to have blown out by $29 billion (or 65 per cent) beyond the sum budgeted by the former government in August 2012.

The post-election Strategic Review estimated the proposed fibre-to-the-premises NBN would not be completed until 2024 at the earliest – meaning that hundreds of thousands of Australians faced a wait of a decade before they could obtain access to telehealth, the opportunities of the digital economy or any online services whatsoever.

In addition, the Strategic Review estimated that completing the fibre-to-the-premises network would increase the cost of broadband for an average household by $43 per month.

NBN Co is currently working on a new rollout schedule which will indicate when different parts of Australia will be connected to the NBN and what technology will be used. More information about the NBN rollout will be published by NBN Co on its website www.nbnco.com.au.

National Broadband Network

(Question No. 477)

Mobile Black Spot Program

(Question No. 480)

Ms Rowland asked the Minister for Communications, in writing, on 24 September 2014:

To ask the Minister for Communications—Will his department make public all of the nominated locations it has received under the Mobile Black Spot Programme.

Mr Turnbull: The answer to the member's question is as follows:

The database of mobile coverage black spots that were reported to the Department of Communications is available as an interactive map on the Department's website at:


The pins in the database represent the broader geographic area of the locations that have been reported to the Department.
Areas classified by the Australian Bureau of Statistics as 'Major Urban', i.e. with a population of 100,000 or more will be ineligible for funding under the Mobile Black Spot Programme. As such, ineligible areas reported to the Department have not been included in the database.

**Surrogacy**

(Question No. 493)

Ms MacTiernan asked the Minister for Immigration and Border Protection, in writing, on 20 October 2014:

In respect of the ‘Baby Gammy’ case and out of country surrogacy agreements generally, (a) what steps does his department take to ensure consent of the birth mother for removal of a child from the jurisdiction into which it is born, and (b) is his department engaged in any review(s) of any or all of the policies, practices and law governing involvement by Australian citizens in such out of country surrogacy agreements; if so, when does he anticipate the review(s) will be completed.

Mr Morrison: The answer to the honourable member’s question is:

In relation to question (a): As part of the process to bring a surrogate child to Australia to live, the commissioning parents of the child need to apply for either Australian citizenship by descent for the child, or a permanent visa for the child (if the child is not eligible for Australian citizenship by descent).

Any application for Australian citizenship by descent is predicated on the link between parent and child.

In respect of a Child visa (subclass 101), the visa can only be granted if:

• they are sponsored for a Child visa by a commissioning parent who is either a holder of an Australian permanent residence visa, or who is an eligible New Zealand citizen, or an Australian citizen, and

• there is a biological link between a surrogate child born outside Australia and the commissioning parent, and

• the Minister is satisfied that there is no compelling reason to believe the grant of the visa would not be in the best interests of the child, and

• either

  the law of the country of origin allows the removal of the child from the jurisdiction, or

  each person who can lawfully determine where the child is to live consents to the grant of a visa.

Sponsorship for a Child visa cannot be approved if the sponsor (or their partner) has been charged with a registrable offence. Indicative examples of registrable offences include murder of a child, sex offences involving a child, kidnapping of a child, grooming of a child, child prostitution or pornography made using children.

In relation to question (b) there are no departmental review processes underway.

**River Red Gum Protected Areas**

(Question No. 494)

Mr Kelvin Thomson asked the Minister for the Environment, in writing, on 20 October 2014:

Is he aware that the New South Wales Government support package in 2010 for timber industry workers and regional communities affected by the establishment of the River Red Gum protected areas in the Riverina included (a) $25 million business exit, and (b) $21.5 million worker assistance.

Mr Hunt: The answer to the honourable member's question is as follows:
The establishment and management of the River Red Gum protected areas and any associated payments made to affected workers and communities in New South Wales are matters for the New South Wales Government.

**River Red Gum Protected Areas**  
(Question No. 495)

**Mr Kelvin Thomson** asked the Minister for the Environment, in writing, on 20 October 2014:

Is he aware that the New South Wales Government support package in 2010 for timber industry workers and regional communities affected by the establishment of the River Red Gum protected areas in the Riverina included a $12 million grants program, and that under this program, timber mill owners CJ & DC Crump received $580,000 for the timber cutters museum and restaurant in addition to $1.21 million in industry assistance.

**Mr Hunt:** The answer to the honourable member's question is as follows:

The establishment and management of the River Red Gum protected areas and any associated payments made to affected workers and communities in New South Wales are matters for the New South Wales Government.

**River Red Gum Protected Areas**  
(Question No. 496)

**Mr Kelvin Thomson** asked the Minister for the Environment, in writing, on 20 October 2014:

In respect of CJ & DC Crump and other timber mill owners, is he (a) aware that (i) they received undisclosed figures for timber licence buy-outs in the order of several million dollars, and (ii) some of these timber mills were given new timber licences in remaining areas of state forests following the establishment of River Red Gum national parks, (b) now considering giving these business owners access to log River Red Gum national parks, and (c) aware of significant concerns from scientists and community conservation organisations at moves by New South Wales and Victoria to reinstate logging in River Red Gum national parks, which are not only national parks but internationally recognised wetlands under the Ramsar Convention.

**Mr Hunt:** The answer to the honourable member's question is as follows:

The establishment and management of the River Red Gum protected areas and any associated payments made to affected workers and communities in New South Wales are matters for the New South Wales Government.

Any decision regarding activities within the River Red Gum national parks is a matter for the New South Wales and Victorian Governments, except where it is likely to have a significant impact on a nationally protected matter.

An ecological thinning trial jointly proposed by the New South Wales Government (NSW Office of Environment and Heritage) and the Victorian Government (Victorian Department of Environment and Primary Industries) has been referred for consideration under national environment law due to potential impacts on listed threatened species, migratory species and wetlands of international importance.

The trial is proposed to take place in both New South Wales and Victorian River Red Gum forests; specifically, in the Barmah National Park and the Murray Valley National Park (Millewa Precinct). The Department has been advised that the trial is not proposed to be undertaken as a commercial timber harvesting activity and is for ecological purposes. I am currently waiting for the final assessment documentation to be provided by the state governments.
Department of Employment: Executive Training
(Question No. 511)

Mr Conroy asked the Minister representing the Minister for Employment, in writing, on
21 October 2014:

Since 7 September 2013 to 30 June 2014, what training has been provided for (a) Executive, and (b)
Senior Executive Service level departmental officials, and what (i) total sum has the Minister's
department spent, and (ii) is the breakdown in cost, for such training.

Mr Pyne: The Minister for Employment has provided the following answer to the
honourable member's question:

In the Department of Employment decisions and budgets for staff training, including for Executive
and Senior Executive Service employees, are largely devolved to line areas in the department. Manually
collating agency expenditure on these items would involve an unreasonable diversion of departmental
resources. The exceptions to this are a small number of corporate leadership programmes where
attendees are selected from across the department and funded corporately. There has been no
expenditure on these items between 7 September 2013 and 30 June 2014.

Department of Immigration and Border Protection: Executive Training
(Question No. 518)

Mr Conroy asked the Minister for Immigration and Border Protection, in writing, on
21 October 2014:

Since 7 September 2013 to 30 June 2014, what training has been provided for (a) Executive, and (b)
Senior Executive Service, level departmental officials, and what (i) total sum has the Minister’s
department spent, and (ii) is the breakdown in cost, for such training.

Mr Morrison: The answer to the honourable member's question is follows:

Since 7 September 2013 to 30 June 2014 the portfolio has provided the following
(a) for Executive level officials, a range of training is provided and below is a list of courses which have
been accessed* by staff at the Executive level (or equivalent) across the portfolio during the specified
period.

- Mandatory training Department of Immigration and Border Protection (DIBP) and Office of
  Migration Agents Registration Authority (OMARA) eLearning:
  Code of Conduct (complete every second year)
  Fraud Awareness (complete every second year)
  Records Awareness (complete every second year)
  Security Essentials (complete every second year)
  TRIM Basics (DIBP’s record system)
  Work Health and Safety Laws (annual)
  Public Interest Disclosure Scheme

- Mandatory training Australian Customs and Border Protection Service (ACBPS) eLearning:
  Culture and Conduct (annual)
  Integrity Corruption and Fraud Awareness (annual)
  Responsible Record Keeping (complete every second year)
  Disclosure of Official Information (complete every second year)
Risk Management 101 - (complete every second year)
WHS responsibility in a Supervisory Role (annual)
- Fundamentals of Supervision and Leadership Programme
- Coaching Conversations
- Leading in Complex Operating Environments Workshop (ANZSOG)
- Overseas Preparation Course
- Deployment Essentials Course
- Deployment Skills Refresher Course
- Introduction to Australia's National Security
- National Security Executive Level 1 Development Program
- National Security Executive Level 2 Development Program
- EL1 leading and managing small teams
- EL1 Masterclass
- EL1 Transition
- EL2 Transition
- Executive Leadership Dimensions EL2 Residential
- Winning that SES job – some practical insights
- Executive Coaching
- Cert IV in Government Investigations
- Administrative Law in the Public Sector
- Crisis and Consumer Response
- Investigate to Resolve Complaints Workshop
- Managing Change
- Cyber Bullying and Anti-social Media Behaviour
- Preparing Content for the Web
- Scoping Managing and Conducting Investigations
- Listen Respect Lead
- Building Management and Leadership
- Graduate Certificate in Applied Management (AIPM)
- Risk Management for National Security Professionals
- The Relationship Between Intelligence and Policy Making Processes on National Security Issues
- Strategy Planning and Implementation in National Security Policy Making
- Royal Australian Navy Leadership Development Program
- Australia and NZ Police Leadership Strategy Program
- ANZSOG Executive Master of Public Administration
- Analytical Thinking Skills
- Developing Cabinet Submissions
- Harassment Contact Officer
• Integrity Support Officer
• Integrity Awareness Workshop
• Mental Health @ Work
• PIVOT - Leadership Program for Mentors
• Selection Panel Training
• TAE10 Certificate IV
• Management Coaching
• Procurement tips and tricks
• Strategic Leadership
• Coaching Workshop for EL2 & SES
• AGS Persistent Complainants
• Legal Practice Management
• Managing the tough stuff
• Coaching Ourselves for Senior Legal Officers
• Management Essentials
• Leadership for Change Agents
• National EL Registry Forum
• Negotiating with Unions, Employees and Bargaining Representatives
• Negotiators Masterclass
• Performance Management Masterclass for HR Professionals
• Stakeholder Relationships

(b) for Senior Executive Service (SES), level departmental officers a range of training is provided and below is a list of courses which have been accessed* by staff at the SES level across the portfolio during the specified time period.

• Mandatory training eLearning (DIBP and OMARA):
  Code of Conduct (complete every second year)
  Fraud Awareness (complete every second year)
  Records Awareness (complete every second year)
  Security Essentials (complete every second year)
  TRIM Basics (DIBP’s record system)
  Work Health and Safety Laws (annual)
  Public Interest Disclosure Scheme

• Mandatory training eLearning (ACBPS):
  Culture and Conduct (annual)
  Integrity Corruption and Fraud Awareness (annual)
  Responsible Record Keeping (complete every second year)
  Disclosure of Official Information (complete every second year)
  Risk Management 101 - (complete every second year)
  WHS responsibility in a Supervisory Role (annual)
- SES Orientation
- SES Band 1 Leadership Development
- SES Band 2 Leadership Development
- Leading Australia in the Asia Pacific
- Managing Regulation, Enforcement and Compliance
- EWK International: Enabling Transformational Leadership
- Executive Coaching and Leadership
- Introduction to Australia's National Security
- National Security Senior Executive Development Program
- Australia and NZ Police Leadership Strategy Program
- Developing Cabinet Submissions
- Giving and Receiving Feedback
- Integrity Awareness Workshop
- PIVOT - Leadership Program for Mentors
- Coaching Workshop for EL2 & SES
- Negotiators Masterclass
  
  (i) the total sum the Minister's department spent is $1,166,256.21**, and
  
  (ii) the breakdown by (a) is $712,369.56** and the breakdown by (b) is $456,886.65**.

Notes: *The courses listed have been accessed by at least one portfolio official during the specified period.

**Australian Customs and Border Protection Service

A catalogue of approximately 800 courses is available to all staff including Executive level and SES. It spans a wide range of competencies aligned to operational roles and qualifications as well as broader topics including leadership and a small number of mandatory courses. Some of the courses are internally developed and delivered and others the ACBPS partners with external providers to develop and deliver.

The cost of individual courses is not recorded in the Learning Management System and to provide this level of detail for all courses would be an unreasonable diversion of resources.

Department of Immigration and Border Protection (including OMARA)

For DIBP staff a catalogue of approximately 350 elearning courses is available to all staff, including Executive level and SES. It spans a wide range of core competency, role-specific and some leadership capability topics. The cost of individual courses is not recorded in the Learning Management System and to provide this level of detail for all courses would be an unreasonable diversion of resources.

Department of Defence: Consultants

(Question No. 526)

Mr Conroy asked the Minister representing the Minister for Defence, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his/her department, including reasons for engaging their services, and the costs involved.
Ms Julie Bishop: The Minister for Defence has provided the following answer to the honourable member's question:

All information on consultancy contracts awarded by the Department of Defence for $10,000 or more is available from the AusTender website (www.tenders.gov.au).

Department of Finance: Consultants
(Question No. 528)

Mr Conroy asked the Minister representing the Minister for Finance, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his/her department, including reasons for engaging their services, and the costs involved.

Mr Hockey: The Minister for Finance has supplied the following answer to the honourable member's question:

A list of all consultancy services of $10,000 (incl GST) and over let by the Department of Finance is available at the AusTender site (www.tenders.gov.au).

Department of Agriculture: Consultants
(Question No. 529)

Mr Conroy asked the Minister for Agriculture, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his/her department, including reasons for engaging their services, and the costs involved.

Mr Joyce: The Minister for Agriculture has provided the following answer to the honourable member's question:

A list of all consultants used by the department, including reasons for engaging their services, and the costs involved, can be found on AusTender at www.tenders.gov.au.

Department of Employment: Consultants
(Question No. 531)

Mr Conroy asked the Minister representing the Minister for Employment, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his/her department, including reasons for engaging their services, and the costs involved.

Mr Pyne: The Minister for Employment has provided the following answer to the honourable member's question:

Information on consultancies is available on the AusTender website at www.tenders.gov.au.

Department of the Environment: Consultants
(Question No. 537)

Mr Conroy asked the Minister for the Environment, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his department, including reasons for engaging their services, and the costs involved.

Mr Hunt: The answer to the honourable member's question is as follows:

Under the Commonwealth Procurement Rules (CPRs), all consultancies at or over $10,000 (inc. GST) for non-corporate Commonwealth entities and $400,000 (inc. GST) for corporate Commonwealth entities...
entities must publish all contracts on AusTender as per mandatory reporting requirements. Details of these consultancies including the consultant’s business name, description of services and costs associated with the contract can be found at www.tenders.gov.au

Under contract reporting requirements set out in the Commonwealth Procurement Rules (CPRs), entities are not required to individually identify contracts under the abovementioned thresholds and therefore do not record this information.

Details of contracts under $10,000 would only be obtainable from manual scrutiny of individual invoices that have been filed. To attempt to provide this level of detail would involve an unreasonable diversion of departmental resources.

Department of Immigration and Border Protection: Consultants
(Question No. 538)

Mr Conroy asked the Minister for Immigration and Border Protection, in writing, on 21 October 2014:

Since 7 September 2013 can the Minister provide details as to the use of all consultants within his department, including reasons for engaging their services, and the costs involved.

Mr Morrison: The answer to the honourable member’s question is:

All consultancies for the portfolio in excess of $10 000 are published on the AusTender website, www.tenders.gov.au/ including details of the reasons for engaging their services, and the costs involved.

457 Visas
(Question No. 562)

Mr Kelvin Thomson asked the Minister representing the Minister for Employment, in writing, on 28 October 2014:

In respect of a recent media report ‘Leaked report raises concerns over 457 visa’? by Heath Aston (The Age, 19 October 2014), will the Minister support the calls by United Voice, which represents 120,000 hospitality workers, to oppose the cutting of (a) penalty rates, (b) wages and (c) conditions, following the increase in foreign workers now engaged by the hospitality industry.

Mr Pyne: The Minister for Employment has provided the following answer to the honourable Member’s question:

United Voice is fully aware that the setting of penalty rates, wages and conditions is entirely a matter for the independent tribunal, the Fair Work Commission, and not for Government.

United Voice along, with all industry participants, is welcome to make its views known to the Fair Work Commission.

It is noted that Department of Immigration and Border Protection data shows there was a 7.7 per cent decrease in the number of primary Subclass 457 visas granted for the Accommodation and Food Services Sector from 2012–13 (6,790 visas) to 2013–14 (6,270 visas).