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**SITTING DAYS—2012**

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FORTY-THIRD PARLIAMENT  
FIRST SESSION—FIFTH PERIOD  
Governor-General  
Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

House of Representatives Office holders  
Speaker—Hon. Peter Neil Slipper MP  
Deputy Speaker—Ms Anna Elizabeth Burke MP  
Second Deputy Speaker—Hon. Bruce Craig Scott MP  
Members of the Speaker's Panel—Hon. Dick Godfrey Harry Adams MP, Mr Anthony Crook MP, Mrs Yvette Maree D'Ath MP, Mr Steven Georganas MP, Ms Sharon Joy Grierson MP, Dr Andrew Keith Leigh MP, Ms Kirsten Fiona Livermore MP, Mr Geoffrey Raymond Lyons MP, Mr Robert George Mitchell MP, Mr John Paul Murphy MP, Mr Robert James Murray Oakeshott MP, Ms Deborah Mary O'Neill MP, Ms Amanda Louise Rishworth MP, Mr Michael Stuart Symon MP, Mr Kelvin John Thomson MP, Ms Maria Vamvakinou MP, Mr Anthony Harold Curties Windsor MP

Leader of the House—Hon. Anthony Norman Albanese MP  
Deputy Leader of the House—Hon. Stephen Francis Smith MP  
Manager of Opposition Business—Hon. Christopher Maurice Pyne MP  
Deputy Manager of Opposition Business—Mr Luke Hartsuyker MP

Party Leaders and Whips  
Australian Labor Party  
Leader—Hon. Julia Eileen Gillard MP  
Deputy Leader—Hon. Wayne Maxwell Swan MP  
Chief Government Whip—Hon. Joel Andrew Fitzgibbon MP  
Government Whips—Ms Jill Griffiths Hall MP and Mr Ed Husic MP

Liberal Party of Australia  
Leader—Hon. Anthony John Abbott MP  
Deputy Leader—Hon. Julie Isabel Bishop MP  
Chief Opposition Whip—Hon. Warren George Entsch MP  
Opposition Whips—Mr Patrick Damien Secker MP and Ms Nola Bethwyn Marino MP

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

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**PARTY ABBREVIATIONS**

ALP—Australian Labor Party; LP—Liberal Party of Australia; LNP—Liberal National Party;
CLP—Country Liberal Party; Nats—The Nationals; NWA—The Nationals WA; Ind—Independent;
AG—Australian Greens

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Clerk of the Senate—R Laing
Clerk of the House of Representatives—B Wright
Acting Secretary, Department of Parliamentary Services—R Grove
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Wednesday, 14 March 2012

The SPEAKER (Hon. Peter Slipper) took the chair at 09:00, made an acknowledgement of country and read prayers.

BILLS

Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012

First Reading

Bill and explanatory memorandum presented by Ms Roxon.

Bill read a first time.

Second Reading

Ms ROXON (Gellibrand—Attorney-General and Minister for Emergency Management) (09:01): I move:

That this bill be now read a second time.

I am pleased to introduce legislation to strengthen and enhance systems for managing complaints about the conduct of federal judicial officers.

The first bill, the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill, which I will speak to now, deals with the role of the parliament when considering removal of a judge under the Constitution.

The second bill, the Courts Legislation Amendment (Judicial Complaints) Bill, deals with the management of complaints within the courts.

This Labor government is determined to ensure that the Federal Court system delivers accessible, equitable and understandable justice—one which protects and serves individual complainants at the same standard as large corporate players enjoy.

That is because an independent and impartial judiciary, in which the public has confidence that their rights will be protected and their complaints dealt with speedily and transparently, is one of the foundations of our democratic society.

In a mature, strong democracy such as Australia, it is easy to underestimate how critical these foundations are.

Judges form an integral part of the justice system in Australia and serve the community by declaring and upholding the law.

Australia continues to be very well served by its judiciary.

Consistent with the rule of law, our judiciary must always be accountable in relation to the exercise of judicial power.

An important mechanism for ensuring judicial accountability includes effective complaints handling processes, in a manner consistent with the independence of the judiciary.

The Senate Legal and Constitutional Affairs Committee stated in its 2009 report Australia's judicial system and the role of judges that:

Fair and effective complaints handling is a critical component of a judicial system that is both respected and just, and seen to be so.

That there have been few serious complaints about judges is testament to the high calibre of our judiciary and their commitment to the responsibility entrusted to them as holders of judicial office.

Instances of removal of judges from office in Australia have been extremely rare.

Since Federation, the size of Australia's Commonwealth judiciary has expanded to over 80 judges and 62 federal magistrates, and so we must ensure that we continue to support the independence and high quality of our judiciary into the future.

The Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill provides a standard mechanism to assist the parliament in its consideration of removal from office of
a judge or federal magistrate under the Constitution.

The Courts Legislation Amendment (Judicial Complaints) Bill, also to be introduced today as part of the government's package of reforms, provides legislative support for a process within the courts to assist the chief justices of the Federal Court and the Family Court, and the Chief Federal Magistrate to manage complaints about judicial officers that are referred to them.

Together these bills provide a clear, accountable and effective system for handling complaints about federal judicial officers. Importantly, they were developed in consultation with, and are supported by, the heads of federal court jurisdiction.

Constitutional removal of judges

Under Australia's Constitution, the power to remove a federal judicial officer lies with the Governor-General in Council on an address from both houses of the parliament in the same session, praying for removal on the ground of proved misbehaviour or incapacity.

This constitutional requirement goes to the very heart of the independence of the judiciary.

It upholds the separation of the limbs of government and strengthens public confidence in the Commonwealth judiciary by providing a mechanism that enables the parliament to seek removal of a judge who is found to be unfit to hold judicial office.

By requiring the conduct of a judge to amount to 'proved misbehaviour or incapacity' in the estimation of both houses of the parliament, the Constitution ensures that only the most serious complaints against judges are considered.

In the event of a serious complaint about a judge, where the parliament is called upon to consider removal, there is currently no standard way to assist the parliament to discharge its constitutional responsibilities.

While serious complaints about judges are extremely rare, previous cases have highlighted the uncertainty about how serious complaints about judges could be fairly and appropriately investigated by the parliament.

It is therefore important that a clear, understandable and fair framework is in place in the event that a serious complaint about judicial misbehaviour and incapacity were to arise.

Key features of the bill

This bill establishes an effective tool that the parliament can employ to inform itself about the factual basis of an allegation of serious misbehaviour or incapacity against a Commonwealth judicial officer.

The bill provides a fair and transparent process for the investigation of an allegation which can be used flexibly depending on the different circumstances which may arise. The bill enables the parliament to establish a parliamentary commission where a resolution is passed by each house of the parliament, in the same sittings, to investigate a specified allegation about a specified Commonwealth judicial officer.

It is up to the parliament to decide whether and when a commission is needed.

A commission would provide for an independent investigation into the factual basis of the allegation, in order to provide parliament with appropriate evidence for its consideration.

A commission would in no way usurp parliament's role in determining whether the conduct of a judicial officer amounted to proved misbehaviour or incapacity.

The bill reflects the non-partisan nature of a commission by requiring its members to be appointed through resolution of each house
of the parliament, and with nominees to be put forward following consultation between the Prime Minister and Leader of the Opposition.

The bill establishes transparent processes for a commission's investigation and report to the parliament.

In particular, the bill gives a commission the powers and protections it needs to operate effectively, while maintaining appropriate safeguards.

It enables a commission to operate in an inquisitorial manner, similar to the way that parliamentary committees operate.

A commission will be required to act in accordance with the rules of natural justice, and the bill specifies procedures a commission must follow to ensure the Commonwealth judicial officer who is the subject of an investigation is treated fairly.

Chapter III of the Constitution establishes the independence of the Commonwealth judiciary from other limbs of government.

Consistent with this independence, a commission would not have power to require the participation of current and former Commonwealth judicial officers in its investigation into an allegation.

Commonwealth judicial officers could still participate and assist a commission's investigation should they choose to do so.

Consultation

The government has consulted across the executive, judiciary and the parliament in development of the bill.

The government is grateful for the views and suggestions of those significant stakeholders who have assisted to refine the bill.

I would particularly like to acknowledge the efforts of the former member for Denison, Hon. Duncan Kerr, in providing a valuable foundation for this bill.

Together with its companion bill, the Courts Legislation Amendment (Judicial Complaints) Bill, they will considerably improve the current ad hoc and somewhat opaque system of judicial complaints handling.

Conclusion

In Australia we must never take our constitutional strengths and system of governance for granted. Confidence in our democracy rests on continued improvement and vigilance.

These bills are important steps on the path, taken by this reformist Labor government, to ensure our federal judicial system is responsive, impartial, and capable of resolving serious complaints.

I commend the bill to the House.

Debate adjourned.

Courts Legislation Amendment (Judicial Complaints) Bill 2012

First Reading

Bill and explanatory memorandum presented by Ms Roxon.

Bill read a first time.

Second Reading

Ms ROXON (Gellibrand—Attorney-General and Minister for Emergency Management) (09:10): I move:

That this bill be now read a second time.

Introduction

This bill, in conjunction with the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012 just introduced, will strengthen and improve the transparency of managing complaints about the conduct of federal judicial officers.

This Labor government is committed to delivering an accessible, equitable and
understandable justice system—one which serves individual complainants as well as large corporate players.

These bills, in combination, will take us an important step closer to these goals.

Developed in consultation with the Federal Court and Family Court chief justices, and the Chief Federal Magistrate, they will support the heads of jurisdiction in their role administering and maintaining public confidence in their courts.

**Complaints handling within the courts**

This bill's companion bill, the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill 2012, will provide the parliament a clear framework for dealing with very serious complaints about judges.

However, parliamentary consideration of whether a judge should be removed from office forms only one part of a system to handle complaints against federal judicial officers.

Given that the parliament would only consider very serious complaints that might lead to removal of a judge, it would be expected that parliamentary consideration would only occur comparatively rarely.

Another important component of judicial accountability is through complaints processes that operate within the federal courts.

The Chief Justice and the Chief Federal Magistrate rightly take a central role in any response to concerns about judicial conduct raised by parties or members of the public. This means that almost all complaints about judges or federal magistrates would be appropriately addressed through the courts internal complaints processes.

The chief justices and the Chief Federal Magistrate play a significant part in the management of complaints about other judicial officers that have been brought to their attention.

An effective system for handling complaints against federal judicial officers recognises that concerns about judicial behaviour may vary.

The flexible approach being implemented with these reforms means responses to complaints can be tailored to the relevant circumstances.

Accordingly, complaints handling within the courts will remain largely non-statutory in nature, but supported in a number of key elements by this bill.

This bill will not apply to the High Court.

That is because the High Court's position at the apex of the Australian judicial system means that it could be called upon to determine the validity of any structure established to handle judicial complaints.

**Reforms to federal complaints handling within courts**

The Courts Legislation Amendment (Judicial Complaints) Bill supports the way chief justices of the Federal Court and the Family Court and the Chief Federal Magistrate manage complaints about judicial officers that have been made directly to the court.

A key component of the reform is to provide heads of jurisdiction with an option to establish a conduct committee to investigate the basis of a complaint and report on what action should be taken about the complaint.

A conduct committee would be composed of three members and include two judicial nominees and one non-judicial nominee.

These reforms are designed to be largely non-statutory and to provide effective and flexible avenues for heads of jurisdiction to consider and handle complaints.
The reforms will provide a transparent and accountable approach to the way complaints about judges are managed and gives clarity and certainty for both judicial officers and the public.

**Key features of the bill**

The bill gives a statutory basis for the courts heads of jurisdiction to manage complaints about judicial officers and provides immunity from suit for participants in the complaints-handling process.

It also excludes documents created through the complaints-handling scheme from the operation of the Freedom of Information Act 1982.

This exclusion is appropriate to protect sensitive or personal information that may be created in the course of complaints-handling processes. The bill also enhances the ability of heads of jurisdiction to take timely action in relation to judicial officers, such as temporary restriction to non-sitting duties, in order to maintain public confidence in the specific court and wider judiciary.

An effective complaints-handling system serves the needs of the public, improves public confidence in the judiciary, and allows better courts administration.

This government is confident that there will be significant longer term benefits arising from these bills for our justice system.

Introduction of this bill and the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Bill represent a significant amount of work over many years, and I would like to thank all of those involved.

The government will continue to work closely with the courts in implementing these important reforms.

Together, these bills create an integrated, clear and effective system to handle complaints about federal judicial officers that promotes accountability and transparency of processes.

The reforms outlined in both bills can only serve to strengthen the judiciary and enhance the public’s confidence in the administration of justice in this country.

I commend this bill to the House.

Debate adjourned.

**Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012**

**First Reading**

Bill and explanatory memorandum presented by Ms Roxon.

Bill read a first time.

**Second Reading**

Ms ROXON (Gellibrand—Attorney-General) (09:16): I move:

That this bill be now read a second time.

The Family Law Amendment (Validation of Certain Orders and Other Measures) Bill 2012 responds to uncertainty about the legal status of de facto property and maintenance orders which were made by the Family Court of Australia and the Federal Magistrates Court in the absence of a proclamation permitting the exercise of jurisdiction under the Family Law Act 1975.

It will apply to orders that have been made by those courts between 1 March 2009 and 10 February 2012 in New South Wales, Victoria, Queensland, Tasmania, the Australian Capital Territory, the Northern Territory and Norfolk Island and between 1 July 2010 and 10 February 2012 in South Australia.

Orders in relation to marriage and children are not affected. Likewise, de facto property and maintenance orders made in Western Australia are not affected as Western Australia has not referred its powers in these areas to the Commonwealth.
The bill will also clarify the status of orders that have been made by the Family Court of Australia on appeals from family law magistrates in Western Australia. These orders have been made between 1 July 2006 and 20 October 2011 in the absence of a similar proclamation permitting the exercise of jurisdiction to hear these appeals.

Proclamations have since been made to ensure that there is no doubt about the validity of orders made by the federal Family Court from 11 February 2012 for de facto property matters and from 21 October 2011 for appeals from family law magistrates in Western Australia.

The bill will provide clarity to the status of orders that have been made prior to the respective proclamations being made. This will be done by creating new statutory rights and liabilities that mirror the rights and liabilities that would have been created if proclamations had been made at the time the respective jurisdiction was originally conferred.

The new rights and liabilities created by this bill are exercisable and enforceable, and are to be regarded as always having been exercisable and enforceable, in exactly the same way as if the orders had been validly made.

This means that anything done or not done in reliance on the new statutory rights and liabilities will be taken to be valid.

The bill explicitly recognises that individuals had and have the right to appeal against, or to seek review of an affected order and the right to vary affected orders in later court proceedings.

The provisions of the bill do protect the outcomes of proceedings which have been completed where a court has set aside or declared an earlier order to be invalid or to have been made beyond power. To that end, it respects that this process, usually by way of an appeal, will have addressed defects in orders and will not supplant the rights and liabilities which would have flowed from the original order over those that currently exist. Where individuals have invested the time and gone to the expense of appealing their orders, this must be respected.

The measures in this bill will ensure that all persons who may have been affected by the absence of a proclamation have no uncertainty about the legal status of what they had thought to be valid orders of the court. This bill will prevent affected individuals from having to go back to court to seek new orders or appeal existing ones.

Repeal section 40(1) and (2) of the Family Law Act

Finally, the concerns relating to the validity of these orders were caused by the absence of a rare type of proclamation required under section 40 of the Family Law Act.

The original requirement for a proclamation under section 40 of the Family Law Act was to allow for the 'phasing in' of the jurisdiction of the Family Court as far back as 1976.

As the Family Court is now well established, subsections 40(1) and (2) of the Family Law Act no longer serve any purpose.

To avoid future oversights, the bill will repeal subsections 40(1) and (2), which will remove any need for this rare type of proclamation in the future.

The bill substitutes a new subsection 40(1) which provides for the making of regulations to restrict the exercise of jurisdiction conferred on the Family Court in appropriate circumstances. The most obvious of these is in relation to the state Family Court in Western Australia. That court has been invested with federal jurisdiction and the
subsection 40(2) proclamations have been used to restrict, by not providing for, the Family Court to exercise original jurisdiction in that state.

The government intends to maintain that status quo and will use the regulation-making power to ensure no unintended consequences flow from repealing subsections 40(1) and (2) in their current form.

Departmental processes

The need for this legislation arises from administrative oversights by my department when the two areas of jurisdiction were originally conferred on the family courts. The department should have briefed the Attorney-General of the time of the need to advise the Governor-General to make a proclamation under section 40 of the Family Law Act 1975. In both instances, being 2006 and again in 2009, this was not done.

Thus, in addition to amending the legislation to prevent a similar oversight occurring again, I have asked my department's secretary to conduct an audit of the processes within the department that ensure that all legislative requirements are met. I am determined to make sure that a similar oversight does not happen again, as small administrative errors like this one can have significant repercussions for the individuals they affect.

Conclusion

The swift passage of the bill will give back legal certainty to all those people who may have been adversely affected by the absence of this type of proclamation and I welcome early indications from the opposition that that will indeed be provided.

I commend the bill. Debate adjourned.

COMMITTEES

Human Rights Committee

Appointment

The SPEAKER (09:22): I have received a message from the Senate informing the House that the Senate has considered message No. 307 of the House and concurs with the resolution of appointment of the Parliamentary Joint Committee on Human Rights; and, in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011, Senators Stephens and Thistlethwaite have been appointed members of the committee.

BUSINESS

Suspension of Standing and Sessional Orders

Mr BURKE (Watson—Minister for Sustainability, Environment, Water, Population and Communities) (09:23): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Gippsland’s private Members’ business notice relating to the disallowance of the Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1), as contained in the Select Legislative Instrument 2011 No. 191, and made under the Environment Protection and Biodiversity Conservation Act 1999, being called on immediately.

Question agreed to.

MOTIONS

Environment Protection and Biodiversity Conservation

Disallowance

Mr CHESTER (Gippsland) (09:24): I move:

That the Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1), as contained in the Select Legislative Instrument 2011 No. 191, and made under the Environment Protection and
Biodiversity Conservation Act 1999, be disallowed.

I appreciate the opportunity to debate this motion today. The motion of disallowance I have moved and which will be seconded by the member for McMillan is all about respecting the mandate given to the Victorian coalition government at the last state election. It is about respecting the mountain cattlemen and their families for the more than 150 years of active management of the high country.

Mr Mitchell interjecting—

Mr CHESTER: Already the member for McEwen is interjecting. I ask the member for McEwen to listen for a few moments to what I am about to say and to show a little bit of respect for the mountain cattlemen.

The SPEAKER: The member for Gippsland will return to the motion and the honourable member opposite will desist.

Mr CHESTER: It is also about respecting the role the cattlemen can play in the future of sustainable environmental management through grazing and prescribed burns and about respecting the heritage of regional communities on both sides of the Great Dividing Range in Victoria. Given the huge deficit of trust that exists between this government and the Australian people, now would be a very good time to start showing some respect in this place for these people.

The Victorian government took a clear policy to the state election in 2010 that it would reintroduce cattle grazing to the Alpine National Park. The only thing the Victorian government has been guilty of is honouring that promise—the promise they made to the Victorian people that they would reintroduce cattle grazing to the Alpine National Park. There was strong support given to coalition candidates on both sides of the Great Dividing Range on this issue. It was a significant issue in the seat of Gippsland East, where I was involved in campaigning because it interacts with my own seat of Gippsland. I am not going to overstate the importance of the issue but it was a significant issue. It was certainly one that was raised in community debates and in various forums during the campaign process. The mountain cattlemen themselves invested heavily in that election campaign. I understand they made donations to the Liberal Party and to the Nationals in that election campaign in the order of $20,000. I could be corrected on that. So the mountain cattlemen themselves thought this was important enough to support candidates in that campaign and to support the issue.

Mr Mitchell interjecting—

Mr CHESTER: The member for McEwen cannot help himself on this issue. He is talking about cash for comment. What he does not understand is this has been a long-held belief in the coalition parties in Victoria. It is not about cash for comment, member for McEwen; it is all about making sure that people who want their voice heard in this place have the chance to have their voice heard, and that is why today is very important. It is a very good opportunity for the people of Gippsland East and other state seats to have their voice heard in this place.

You would think that the Australian Labor Party would learn some lessons from the past on the issue of cattle grazing in the Alpine National Park because this issue has a very dark and murky political background for the Australian Labor Party. It goes back to 2005 when the former Bracks government first banned the cattlemen from the high country. On that occasion we had the memorable scenes of mountain cattlemen and other supporters of their cause marching through the main streets of Melbourne. They were marching up Bourke Street on their horses, wearing their Driza-Bones, bringing the
issue to the state parliament of Victoria. They brought attention on the steps of parliament in Spring Street to what they thought was a great injustice. That caused an immediate political backlash to the state Labor government at the 2006 state election. The Victorian Labor Party lost the seat of Morwell, which is in the Gippsland area, and lost the seat of Narracan, also in the Gippsland area. Again, I am not saying this was the only reason they lost those seats but it was a pivotal issue in the campaign. When you consider that the member for Narracan was the chairman of the committee which recommended that cattlemen get kicked out of the high country in the first place, you can understand the point that I am making.

The Australian Labor Party has already paid a political price for its attitude to the cattlemen in Victoria. I can tell you now, it will pay an even heavier political price in the future if it continues to go down this track of showing no respect for the mandate given to the Victorian government by the voters of Victoria. The people have spoken clearly on this issue and their voice needs to be heard in this place. I acknowledge it is not a unanimous view but there is a strong majority in the directly affected communities that have given the Victorian government a mandate for its policy, and I believe it should be respected.

I recognise that this is not an issue which is necessarily at the front of mind for all other members of parliament. There are 150 seats around Australia and there are probably only a handful of seats which are directly affected by this issue. But where this issue has been tested in the court of public opinion, where the contest of ideas has taken place on the ground, overwhelmingly the position adopted by the Australian Labor Party and the Greens has been rejected by the people in those communities. In those areas where people are most directly affected and have the most information about how this issue plays out in a community and a political sense, they have rejected the Australian Labor Party and the Greens. You only need to travel around regional Victoria on any given day to see vehicles with yellow and green stickers on the back of them that read 'Mountain cattlemen care for the high country'. That slogan has been around for more than 20 years. It is a strongly held view in the communities that are directly affected by this issue.

The contention that I am putting to the House today is that the Victorian government has every right to commission a trial into the strategic use of cattle grazing to reduce the impact of bushfires. This is a region that has been devastated by bushfires in the past; there is no doubt it will be affected again in the future. We have an obligation as members of parliament, both in this place and in state jurisdictions, to do everything we can to reduce the impact of fires on lives, property and the natural environment. I consider this issue to be another example of the grand hypocrisy of the Greens on natural resource management issues. The Greens leader travels around Australia campaigning for territory rights because it might assist in his campaigns to install gay marriage and euthanasia, but he is happy to trample on state government rights on this natural resource management issue.

We should be used to that level of hypocrisy, because the Greens have proposed a bill previously in this place targeted squarely at removing the rights of the Victorian government to take action to assess the strategic use of cattle grazing as a tool to reduce bushfire risk in Victoria's high country. The thing that most offends the people who live in these communities and that most offends me is that when the Greens put out these motions from the leafy suburbs of Melbourne they do not talk about the
thousands of brumbies, the introduced wild species like deer, the wild dogs or the noxious weeds that are in the Alpine National Park and that should be targeted by any bills or motions the Greens would like to propose to assist the environment in the Alpine region. The Greens do not even seem to understand that the scorching bushfires in areas which have not been grazed and which have not benefited from prescribed burning are more devastating to wildlife than anything the mountain cattlemen have ever done in more than 150 years in the alpine regions.

To put it very simply, regional Australians have had a gutful of city based Greens telling them how to live their lives. Now we have a Sydney based minister for the environment who simply joins in the chorus and sings the same songs as the Australian Greens. The Greens have never created a job in regional Australia and they are a direct threat to a host of our traditional industries, including the cattlemen, the broader agricultural sector, commercial fishing, mining and power generation and recreational angling. The action taken by this minister to override the Victorian government on this issue demonstrates this government's complete lack of respect for regional Australians. I am sure that we will hear today all the usual lines from the Minister for Sustainability, Environment, Water, Population and Communities. He will say that a national park is not a farm and that only a select few graziers get to use the high country runs. We have heard all the lines before; I look forward to them being rolled out again today. To that I say in advance to the minister: a national park is not meant to be a weed infested wasteland either. It is not meant to be scorched every few years because we have failed to reduce the fuel load. A national park is not meant to be full of feral species in uncontrolled numbers. The minister failed to mention those issues when he first started attacking mountain cattlemen. I concede that in more recent times the minister has raised those issues. I think he has realised the folly of his ways from those early days when he first ran his campaign against the mountain cattlemen and now he does talk more about the weeds and other feral species. But I urge the minister to concentrate on those issues, because they are doing far more damage and are of much greater environmental significance to the alpine region than anything that mountain cattlemen have done in the past or will do in the future. If the minister wanted to do something that was actually important for the Alpine National Park, and the Victorian high country more generally, he could really focus his efforts in that area. I urge all members in this place not to vilify the mountain cattlemen and their families.

The minister and I get along quite well, and I do not mind if he attacks me. I do not mind if he criticises my party and me, if he gives me heaps. I just urge him to show a great deal of respect to the people that are represented in this debate today. I urge him to show some respect for the cattlemen, because every time a member in this place attacks the cattlemen it is very personal for these people and their families. When anyone in this place says to these people, 'You are wrong,' they are actually saying their fathers were wrong, their grandfathers were wrong and even, sometimes, their great-grandfathers were wrong. You are denying their whole cultural heritage. So by all means, Minister, give me your best shot, and I am sure you will—you need no encouragement; you have needed no encouragement in the past—but I urge you to respect the families and their culture and their heritage, because they are very proud of that heritage. They believe that they have done a great job in the alpine region,
they are part of the solution for the future and that they should not be thrown out like yesterday's newspaper.

We are talking about a state government trial of cattle grazing involving just 400 cattle in a 26,000-hectare national park. The point that must be remembered throughout this whole debate is that the cattlemen have run cattle in that region for more than 150 years. It was only after the cattle had been there for more than 150 years that it was deemed to be in such pristine condition that it was worthy of becoming a national park in the first place. In the mid-1980s the wise heads of the day decided that this region was so pristine and so magnificent that, even after 150 years of mountain cattlemen using the territory, it was so good they could make it a national park. That to me is the core of the issue. There was not a level of environmental damage that warranted any other action being taken by the governments of the day. They believed on merit that the alpine region was in such good condition that it should become a national park. I contend that the minister himself did more damage to the region when he rushed up the hill on a wet day in his four-wheel-drive to get his photo taken in front of a deer wallow. I contend that he did more damage then than the mountain cattlemen would do under this trial of 400 cattle spread across 26,000 hectares of national park.

There is generations of knowledge about practical environmental management in the hands of the mountain cattlemen and their families. This is knowledge that you cannot learn in a book; it is knowledge that has been passed down from one generation to the next. I believe it deserves to be respected and passed on to future generations. I believe that grazing can actually help to reduce the fuel load in the alpine region, particularly if it is used in a strategic manner in conjunction with other fuel mitigation efforts.

In the past, the mountain cattlemen have not just relied on grazing as their approach to reducing the impact of bushfires; they have also been heavily involved in prescribed burning. I think we have lost our way in relation to prescribed burning in Victoria and in many other parts of Australia over the last several decades. We have seen in more recent times a government in Victoria that is more committed to reducing the fuel load. Part of the reason for the devastation of the Black Saturday bushfires is that we did not do the prescribed burning that we needed to do in the decades leading up to it. We had a massive amount of fuel build up in many parts of Victoria, and that led to the devastation. We need three things for a fire. We need hot and windy conditions, and we are always going to have that—whether it is a lightning strike or some idiot with a match, that is going to happen. We need a fuel load, and there is always going to be fuel. The only part of that fire matrix we can actually affect is the fuel load. We are always going to have hot, windy days and we are always going to have a point of ignition. But we can reduce the fuel load and reduce the intensity of those bushfires when they occur—and they will occur again.

This is all about using cattle in a strategic way to reduce the impact of future bushfires. Those opposite will say it does not work. But, as I have told the House previously, even the ACT Labor government agrees to the approach of using cattle in a strategic way to reduce the impact of bushfires. This year the ACT government intends to graze more than 7,000 hectares across 76 sites to protect ACT residents from bushfires. Let me say that again. The ACT government believes cattle grazing does play a worthwhile role in reducing the fuel load in
the ACT to protect property and lives around the ACT, so they are going to use cattle across 7,000 hectares at 76 different sites to protect ACT residents. But we are not allowed to use cattle to protect lives and property in the natural environment of the high country because this minister and this government are directly overriding the Victorian state government and they are directly overriding the clear mandate that government received from the Victorian people.

I do not expect those opposite us in the chamber today to change their mind. It is no surprise to me at all that they will vote against this disallowance motion and do the bidding of the Australian Greens—and they will pay an electoral price for that in the future. The reason I do not expect them to change their mind is that more than 40 of the members opposite actually rely on Greens preferences for their political survival. They need Greens preferences to win their seats, so they will do whatever is necessary to protect their political careers. But I appeal to the crossbenchers to think very seriously about this issue and give due respect to the mountain cattlemen and their cause. I repeat that, for more than 150 years, the mountain cattlemen have been allowed to run their cattle in the high country and they have actively worked to protect and enhance the environment. They are not the problem; they are part of the solution. The heritage, the culture and the knowledge of the mountain cattlemen, which has been built up over more than 150 years, is an asset to our community and they should be respected, not vilified, by the Labor Party and the Greens in this place. I thank the House for the opportunity to raise this important issue and I again urge the crossbenchers to think very seriously about what we are talking about today in relation to the future of the alpine region and the practical land management skills that have been applied for more than 150 years.

The DEPUTY SPEAKER (Hon. BC Scott): Is the motion seconded?

Mr BROADBENT (McMillan) (09:40): I second the motion. On Sunday morning my radio is sometimes still on ABC. Macca was on, and they had a school from the high country reciting a poem. The poem was, 'There was movement at the station for the word had got around that the colt from old Regret had got away.' So the kids say, 'We all went around and rounded him up.' That was their poem. I found myself, fortuitously, filling in for my friend and colleague the member for Gippsland at the high country cattlemen's muster at Merrijig in January. It was a pleasure to be at Merrijig and I must admit I was consumed by the points they put to us that day. I have supported minority positions in this place on many occasions before, even against my own party's position when in government. At Merrijig I found myself surrounded by this minority of Australian people and I thought very carefully about why I would support this disallowance motion. It is not something I am here to support just because Darren Chester is my mate; I am here to support the feelings those people communicated to me that day. They gave me all the information about what the park has been like over its 150 years of heritage.

For those who are listening to this address, I want to explain that I am trying to woo the minister to my point of view and I am trying to do it in a practical way. I hear the message that this is a political position taken by the government and the Greens, through the member for Melbourne, who is sitting in the chamber. I fully acknowledge that I too have done checks on the number of members of this parliament who are here on Greens preferences. Nearly half of the Labor Party
members here are in marginal seats on Greens preferences. I have looked at all those figures too, and I understand where they are coming from.

So we bring forward an issue of practicality and relevance to a minority group of people in Australia that is part of our national heritage. We have not got a lot to hang our hat on in this country. It is mostly English heritage that we were taught at school; those were our early lessons. But what consumed me that day at Merrijig was that here was our own living history. Forget about the feral animals, the wild dogs, the blackberries that have gone berserk and the parts of the park that you can no longer get into—and that is across this nation. It is a disgrace the way we have nominated these places as national parks and then governments of all persuasions have not looked after them as they should have—and that is not just in Victoria but elsewhere too. Having said that, I recognise that we have something so precious in our living heritage as the rich history of these mountain cattlemen and their families and the amazing stories that surround them of battling against all odds as part of our nation’s growth and history for 140 years. Can you imagine any country in the world turning their backs on the heritage such as we have, which is a gift? Can you imagine the Americans turning their back on this? No. But we as a nation are so consumed by the politics of the day, and we know politicians hate short-term pain that may lead to long-term gain. They hate it. They do not like any sort of political pain whatsoever.

But why can't somebody stand up in this place and say, 'This is a minority of people who have a grand heritage in this country and who we should all speak about with some pride and reverence'? At the same time, we are prepared to say no. Because of the green influence in our capital cities and the green influence of the members of parliament that sit in here, we are prepared to throw these people out of the high country. The message that I received was that parts that were pristine are no longer pristine. Parts that were of great value for our community to go and enjoy are no longer available for our community because they are a mess, inaccessible and covered in blackberries, and what was beautiful is no longer beautiful.

Have I been up there? No. Do I know about it from friends? Yes. Did I drive the wrong way home? Yes, and I would not recommend that trip to anybody, but I thought it was a good idea at the time. I have a view about this that I have thought about very carefully because I am in a marginal seat and I risk green support, even though there are not many in the House as green as we are in rural seats. Our land is particularly important to us. Our farmers and those who work the land are particularly important to us. There is not a day that goes by when we do not talk about them, think about them, work with them and, hopefully, bring their issues to this parliament. I am one who cannot walk away from the living heritage that is outlined in the story of the mountain cattlemen and their families, and especially their women. The stories over that 100 years of the valour of the women who were connected to these families are just amazing, as are the stories of the brilliant people who have come through the generations to make great contributions to this nation.

To those who say, 'You cannot put cattle into a national park,' I say that the Victorian state government went to the Victorian people and bravely said, 'If we are re-elected, we are going to do a trial in the national parks by putting very few cattle back into the high country.' To me, that was grabbing hold of that heritage and saying, 'It is important to
us; it is important enough for us to continue it.'

I am taking a different tack in trying to convince the minister to support this motion. The different tack is that it is all about our living heritage. It is all about people we care about and it is about a minority group of people, being the mountain cattlemen, who have no effect on any seat whether they change from one way to another. There is nothing for the minister to lose in attacking the mountain cattlemen. But in attacking the mountain cattlemen he is attacking our living heritage and what is important in this nation—the values that the mountain cattlemen have and the way they protected the land.

There is a criterion we should all have, and that is what is of long-term benefit to the nation. I have heard a lot about what is to the long-term benefit of the nation on a whole lot of issues. I have heard members of parliament, particularly those on the crossbench, say: 'No. I am prepared to go down this track whether it is politically difficult for me or not because I believe in the long-term interests of the Australian people.' That phrase has been used and bandied about so many times recently it has just about become the default. But I still believe in it. I still believe that this parliament should be governing for the Australian people and what is in their best interests today, tomorrow, next week, next year and in 20 years time. To have a vision for who we are and what we are on about we must never forget where we came from. Who are we? What made us up? Why are we like the way we are? Why are we reactionary in so many ways? It is because of our heritage. It is because of who we are.

I am only fourth generation. My great-grandfather was kicked out of England by his family. I know why I have some of the reactions I have today to some of the leadership I deal with.

**An opposition member:** The English knew what they were doing.

**Mr BROADBENT:** Yes! I am glad they threw him out. He did not want to join their business; he wanted to be a coach builder and the family did not think that coach building had a future at that stage.

**An opposition member:** Is this relevant?

**Mr BROADBENT:** Actually, it is very relevant because it goes back to the point that I was making about our living heritage and how important it is. We go on about our Indigenous community. We go on about the people who came on tall ships. We go on about the waves of generations of people that came here. But we are discounting our living heritage in these mountain cattlemen and saying that they are a minority and do not count. That is my only point to you today, Minister. Whilst you may have your criteria for what you have to perform under the law, there should be a reasonable consideration for the value of our living heritage: what has gone on in the past, what these people mean to us and what they will mean to future generations when their stories are told—because the stories about our history in this small part of Australia will be told over and over again.

We are not asking for a lot. There are thousands and thousands of hectares there. The cattle go up for a short time each year and are then taken out again. It is not a big ask to put the cattle back into the high country. So I say to the minister: if I could have my way, I would have the cattle back in the high country again on behalf of the minority that care about the country. It is not a big ask that the nation preserve our heritage and give back to the mountain cattlemen a small area of our great nation.
I was at a diabetes breakfast this morning, and there was a map of the world there with Australia cast out in red. I looked at the nation this morning from a different perspective, not with regard to diabetes but in terms of how big it is and how big the oceans around it are. We are only asking that the mountain cattlemen be given back some of their land rights. When I was in local government they called it ‘prior-use rights’. The guy next door to me in Pakenham, where I live, carts metal and clay out of his place. He had a complaint. He came to me and said, ‘Russell, you have to sign this document to say that I actually enjoy prior-use rights.’

Today, I am arguing only that these people have had their prior-use rights taken from them, that this should be redressed and that they should be returned to the high country. It is not a big ask. This is a tiny bit of the nation. I have been to Western Australia. I have seen the feral goats over there, covering the nation. I have seen the camels that are making a terrible mess. I have seen the horses that are making a terrible mess. I have seen things going wrong right across my nation with regard to these issues.

So my plea and my care for the cattlemen are not political—they are not based on a political decision. I make my plea because I believe I am in the right. So I am standing here and pleading with this parliament to agree to this disallowance motion put forward by my friend and colleague the member for Gippsland. He also has put it forward in a genuine spirit of goodwill. I am not here just to ruffle feathers. I am here to ask and plead on behalf of a minority. That minority deserves a go, deserves an opportunity and deserves to see in the years to come that our living heritage is preserved. I ask all those in this place to consider very carefully how they vote on this motion because they are voting on the heart and soul of the nation.

Mr BURKE (Watson—Minister for Sustainability, Environment, Water, Population and Communities) (09:55): I will begin on a point that has been raised by the member for McMillan and the member for Gippsland, both of whom I get along well with and have a high regard for. They have both said a number of things I disagree with, but there is one thing I want to take head-on from the beginning. My gripe is not with the mountain cattlemen—they are not the people I believe deserve to be publicly denigrated—but with the Victorian government. It is the behaviour of the Victorian government on this matter that I believe is worthy of every single criticism we have levelled at it over this decision. Make no mistake—

Mr Forrest: It is the same thing.

Mr BURKE: Interjectors get thrown out before the vote—that would be terrific! Issues have been raised about who is behind this, what the reason is and what the real motivation is, as though somehow there are people pushing Labor to adopt this view. Getting the cattle out of Alpine National Park was a Labor reform led by a Labor deputy premier when he was Minister for Environment—John Thwaites. It was done by a Labor government and is a Labor reform of which we are proud. We do not need anyone to tell us—and I will let other parties speak for themselves—that national parks deserve to be treated differently.

Let us not allow this argument to get caught up in the pretence that no grazing occurs in the high country. In all the areas where there is state forest, alpine grazing continues to occur, and it occurs without any objection at all. But we draw a line and have a different view when a national park is involved. People then want to raise the non-environmental uses of national parks—the
different tourism ventures and things like that. I have no problem with things happening inside national parks that are directly aimed at people enjoying a national park and enjoying nature. I just do not have the same view on that level of enjoyment being offered to cattle. I think national parks have a role as places people can go to enjoy nature and see things in the most natural environment possible. Families can go there for their picnics, people can go for walks there and people can enjoy and love one of the most special parts of our nation.

That is why you do not find the same objections being made to alpine grazing in state forests. It is also why I have no truck at all with the argument that somehow this is a states rights issue. If they are meant to be entirely of state interest, then why on earth call them national parks? We are the government of the nation here. This is a parliament of the nation. If states do not believe national parks are of national significance, then they should not call them national parks—call them state forests or call them something else. But the moment there is an acknowledgment from the states that this deserves to be treated and publicly acknowledged as of significance to the nation then the national parliament and the national government have a role in looking at whether the principles are being applied appropriately in the management of national parks.

The examples that were given by the member for Gippsland, within the Australian Capital Territory, were not examples of national parks. You will find examples within national parks, when they are first declared, of activities that I would not regard as ideal. And there are pre-existing uses that occur in national parks. It even happens with forestry sometimes, when a final rotation of different coupes goes through and then the regrowth is allowed to remain there for conservation purposes. These sorts of non-ideal uses of national parks happen all the time, but the one principle that has always been there—until the Victorian government broke it—is that in a national park you do not take backward steps. Once you have achieved a better environmental outcome within a national park, you draw a line. You do not see it as a resource to be used. You do not see it as a resource to be dug up, shot down or grazed over the top of. You see it as a national park so that the citizens of this nation can have somewhere to go and enjoy nature. That is what it is for. It is so significant that, even though it has been done at the state level time and again, state jurisdictions want the federal parliament to put the word 'national' in the title because they believe, and they are right to believe, that it is of significance to the whole nation.

The Victorian government’s implementation of this—the principle is wrong and the motivation is wrong—has been a bumbling farce. On the principle of no backward steps in national parks, there is a difference between access for people and access for cattle. There are some people and some environmentalists—maybe some people within this chamber—who have a different view to me and who would take a much tougher line on the enjoyment by people and the access to tourism facilities and things like that within national parks. I do not draw that line. I have always been positive about opportunities for people to enjoy these places. But I do not see national parks as opportunities for commercial ventures which have nothing whatsoever to do with the enjoyment of the national park for anyone other than the grazier or the owner of the business.

The member for McMillan, though, raised an important matter of principle: how do we weigh up the heritage issues? You would think that this parliament was being asked to
make a decision as to whether grazing cattle will now have to leave the Alpine National Park. The truth is that alpine grazing finished some years ago. This is about a reintroduction; this is about a backward step. The heritage issues have already been consigned to the past. We happily celebrate the heritage of the First Fleet. It does not mean that if we want to travel back and forth to London we have to get on board a square rigger! When we celebrate and acknowledge heritage, it does not mean that how things were done in the past must be the way forward for ever. There is alpine grazing, but it is not within the national park, nor should it be. There is an important principle here about how we deal with our national parks.

It is hard to find an issue where it is easier to criticise the motivation of the Victorian government than this one. I was actually weighing up whether I acknowledge this or not and whether it is taking the low road too much to talk about this stuff, but the member for Gippsland did it for me. Upfront he said, 'This issue is so important that people involved have made donations to the National Party,' as though they have somehow bought into the outcome by making a political donation and therefore their views become more important. There is no way in the world that this government will have a moment of sympathy for anyone who wants to argue that, because you make a donation to a political party, you increase your rights as a citizen to access and use national parks for commercial purposes. You have had the media at different points referring to whether or not this might be the motivation. You have had different members of my own political party asserting that it probably is the motivation. Ten points, the card ought to go up, for the honesty of the member for New England and 10 points for the honesty of this admission from the National Party. If we ever wanted to see an example of a donation and a policy outcome being inextricably linked, we have had not just a speech about it but a confession about it on the floor of the House of Representatives today. This was a cheap deal to provide free agistment for a number of farmers.

Let us not forget that these same individuals, when they left the Alpine National Park, were paid compensation for leaving. They were actually paid compensation for leaving. Did the Victorian government say that that compensation money, if the graziers wanted to come back in, would be returned? Not for a moment. The idea of the Victorian government was: you leave for a few years, you get the compensation for leaving and you make your donation to the National Party, but that is the only money you will lose—paying back to the National Party is enough; you will never have to pay back the taxpayers’ funds. That is what has happened here.

That also explains why we have ended up with the bogus fire management argument as the reason. The Victorian government have wanted to claim this is about fire management for one reason only: they needed to circumvent the compensation issue. They needed to design contracts that said, 'This is not for the benefit of the farmer; this is for the benefit of the National Park.' That is why they landed at the fire management issue—for no other reason. They went to the fire management issue as a way of making sure that people who had made their donations to the National Party got to keep their compensation funds and got the benefit anyway. That is what the Victorian government have done. This one is as grubby as it gets.

The scientific argument was shown to be a fraud from the moment the implementation began. If you are going to conduct a
scientific study on the impact of alpine grazing, the first thing you would do is let the scientists have a look at the site before the cattle arrive. How are you meant to know what the impact of alpine grazing is unless you do your baseline survey, unless you let the scientists in? The Victorian government was in such a rush to make sure that it could say to the mounted cattlemen that it had delivered it did not even let the scientist who was allegedly in charge of the study know that the cattle were on their way in. As far as science was concerned, no survey could be done. The scientists did not even get half a chance to have a look at the Alpine National Park before the cattle were rushed in so that the donors to the National Party could be made happy. That is the precise order of events. We ended up with members of the Victorian parliament trying to come up with ways of saying why the science was true. We ended up with a member of the Victorian parliament, who I must say has become my favourite member of that parliament, Donna Petrovich, saying:

In many respects we are quite lucky that there are still a few remaining lead cows in those herds that know the areas that are being trialled. If we did not have that, we would have an environmental problem. Those cattle stick to the areas and the tracks, and they teach the other cattle the appropriate way to move through that country.

The best defence the Victorian government can come up with is a mutual workshopping education plan amongst small groups of cattle, where they teach each other and explain which wetlands are safe to trample all over and which wetlands are listed under the EPBC Act as vulnerable! The lead cow gets to show the smaller cows where it is safe to go and where there might be an endangered species! And this is meant to be a scientific trial. This is the best that the Victorian government has been able to come up with.

Up until now, members of the federal coalition have avoided making a public stand on this issue. They have allowed the issue to go through quietly. They have allowed the member for Gippsland to fly the flag and make his own comments. They have just wanted the issue to go away. But, in a classic own goal, in a classic favour that the member for Gippsland has decided to do for his coalition colleagues, today he gets to put every single one of them on the record.

On this side of the House, we are very proud to be on the record defending a Labor reform from the previous Victorian Labor government. We are very proud of our relationship with the cattle farmers—whom I met during the time that I was Minister for Agriculture, Fisheries and Forestry—who actually pay for land to feed their own cattle, who do not have this special bonus, who do not use this side way of trying to get free agistment through donations to the National Party.

In this own goal, members opposite who have national parks in their electorates—whether it is the Blue Mountains, Mount Buffalo, Diamantina or Ku-ring-gai Chase—draw a line today when they sit in this chamber and put themselves on the record. They decide today, for the first time, whether the view of this parliament is that it is okay to take backward steps inside a national park, whether it is okay within a national park—even though it has been declared, even though it has been determined to be of national significance—to continue to see that area as a resource to be chopped down, dug up or grazed over the top of. No member of parliament gets to avoid that today. On the Labor side, we are really proud to be able to get our names on the record, but there is no shortage of members of the coalition who will not be thanking the member for Gippsland for what he is making them do today.
I made an offer to the three governments that are responsible for the alpine areas—the ACT government, the New South Wales government and the Victorian government—to work together on how to deal with bushfire mitigation and how to deal with other ferals and invasives. Guess which of the three governments has still not responded to me. The Victorian government, because they are not interested in the reasons for weeds and bushfires. There have only been excuses to get around a compensation issue, to look after some donors, in a grubby deal that should end today. (Time expired)

Mr SCHULTZ (Hume) (10:10): I have a lot of respect for the minister at the table, the Minister for Sustainability, Environment, Water, Population and Communities, and I am disappointed to hear what he has been saying about national parks. Why am I disappointed? Because his attitude is like the attitude of ministers of the Crown in the Greiner government in 1992, when I warned them that a fire of a magnitude that they would never have seen before was going to occur in the Kosciuszko National Park. I warned my volunteer firefighters, when I was representing that area, not to go into the park under any circumstances, because there was that much fuel in there that, if a lightning strike hit it, it would create a massive problem, not only for their safety but also for biodiversity.

In 2003, as a result of incompetence within the New South Wales Rural Fire Service, that fire happened. It created a massive problem for the park and had a massive impact on its ecology, to the extent that, in some sections of the Kosciuszko, particularly on the Victorian side, the ground is sterilised 15 to 16 feet below the surface, and the soil, if you pick it up in your hands, is like talcum powder. There was more biodiversity destroyed in that fire than has ever been destroyed or threatened by mankind before.

History has shown that, when the cattle were grazing in the high country, the fires were lesser than they are today. It is okay to have an ideological view that might be friendly to and appreciative of the Greens—that you and your government are holding very desperately onto government with. Minister—but the reality is that the sort of dogma and nonsense that you are espousing in this chamber today will have a massive impact on the Kosciuszko. You talk about future generations and protecting the biodiversity of places like the Kosciuszko by keeping cattle out. Minister, I say to you what I said to the Greiner government in 1992: you are going in the wrong direction. If you want to save the Kosciuszko for future generations, stop this nonsense about locking people out and letting the weeds and feral animals within proliferate.

I have been up in the Kosciuszko many, many times. In fact, I made a short film about the Kosciuszko and the history of mankind in the Kosciuszko. You go up into the Kosciuszko today and, because of the feral cats and wild dogs there, you cannot hear a bird. There are no birds up there in some sections of the Kosciuszko, because of the incompetence of successive governments, at both the state and federal levels, who do not seem to understand that man can live in harmony with the environment. It has been done for over a century in the Kosciuszko National Park. I can tell you, Minister, it breaks my heart to hear you in this chamber today blaming people like the cattlemen of this country, who not only have created history but with their cattle grazing have also done more to protect the national parks than anybody else. The Aborigines used to burn the parks in the past. Why did they burn them? They burnt them to get the sweet grass growing so that the
kangaroos would come down and make it easier for them to take the kangaroos for food.

I am passionate about this; I probably sound passionate about it. Let me say to you, Minister: please rethink your direction because, if you do not, not only are you going to threaten the maintenance of biodiversity in the Kosciuszko National Park; you are going to place in danger volunteer firefighters, who are the people who will go in there and fight the fires. It will not be the Greens, or you as a minister, or a politician—it will be volunteers, who give their time freely, who because of the nonsense that you have espoused here today will go in and try to put out what is inevitably going to be another wildfire in the Kosciuszko National Park. I say that with a heavy heart, Minister, because I do respect you. I think you are a highly intelligent individual and I am surprised that you have brought this sort of debate into this chamber.

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (10:15): I would like to support my colleagues the members for Gippsland, McMillan and Hume. It grieves me to disagree with the Minister for Sustainability, Environment, Water, Population and Communities, because I must say that this minister has been very good to me in my electorate. He has come up and looked at the problems I have had, even environmental problems like the bats. When we had trouble with the bats he promised me that he would try to influence the state ministers to be a bit more amenable to the problems that people had regarding the bats. I might tell you, Minister, it is still a dreadful problem. But that is not what we are talking about today; we are talking about the alpine regions of New South Wales and Victoria.

I think it is perfectly reasonable for the state government of Victoria to ask for a trial and to have a controlled trial. Why should we be worried about doing a trial in a controlled area with a controlled number of cattle? What reasonable person could object to that? I will tell you why people object to it: the risk might be that if the trial proved successful there would be pressure for other parts of the park to be opened up to grazing. So, if you do not want to do anything like that, you knock it on the head. Although the minister crafted a very interesting story about the words 'national parks', the word national was used way back, well before we developed a sense of nationalism in this country. It was a term that was used overseas, in America, and we adopted it here when the states started to put aside special parts of the country for the preservation of the ecology of those areas. I do not think it ever had the context of the federal government imposing its will of protection over it. That might be the case with Heritage areas, but it was not the case with national parks.

Who controls the national parks, when it really gets down to the practicality of it? It is the state governments. It is their environmental departments or their agriculture or primary industry departments. It is their police and emergency workers who have to go into the parks in times of fire and flood. All those sorts of workers, down to SES volunteers, rural firemen and firewomen, are godchildren of the state governments. They are the people who have to effectively carry out the work. It is all well and good for the federal government to use an international convention to bludgeon a state government. That has happened time and time again in this country—total overkill, using a sledgehammer to crack a nut. The number of times that international conventions have been used to suppress the intentions of a state government is totally disproportionate.
What do we see across Australia in all states? We get governments from time to time of both political persuasions—but I suspect probably more Labor ones than not—that have the idea to name a national park. Everyone feels all warm and fuzzy and everyone says, ‘Oh, good! Isn't that marvellous!’ But what do you see a year or two later? You see feral animals running all over them and there are no fuel reduction measures going on. I can remember one in my own area. It cries out to heaven, in much the same way as the member for Hume described parts of the alpine region. There are some beautiful wallum and some other plants—the name escapes me for the minute. There is a magnificent national park which has huge dead craggy trees with huge eagles nests on them. Before I got into parliament I was in charge of tourism in the area. I remember the ranger came to see me in desperation. He asked, 'Is there anything you can do with the Parks and Wildlife people or with the local council?' The ranger, John Byrne—I remember his name well—said, 'We're going to lose that whole park.' All he wanted to do was put some firebreaks through it—a simple thing. No. Even though he was their ranger, Parks and Wildlife would not let him do it, nor would the local council and, as sure as night follows day, we had a bushfire—and what a bobby-dazzler it was! It burnt out 70 per cent of the national park, and those magnificent eagles and all that went with it. Why do we have to demonise all the time grazing that has been going on for 150 years? As two of the speakers before me pointed out, people have got into the park through the activities of the cattlemen and have been able to appreciate that high country. I think it is reasonable for the state government of Victoria to conduct a trial and make its findings publicly known. The minister I think was a bit florid in his description of National Party members before, and I take some offence at that because I pride myself on being a practical conservationist. I do not go around thumping my breast and saying, ‘Oh, isn’t this dreadful?’ or, ‘Isn’t that dreadful?’ I like to do things like getting weed machines into salvinia and water hyacinth, ripping them out of our streams and making them pristine again. Previous ministers of the Howard government helped me do that. In fact, it overflowed into areas outside my electorate. The machines went on to clear lots of streams and dams.

I have spoken to the minister at the table, the Minister for Sustainability, Environment, Water, Population and Communities, when he has come to Bundaberg. I want to reopen the mouth of the Elliott River because the mangroves and things are dying. I probably had more Green Corps projects in my electorate under the Howard government than anyone else because I fostered them and I felt they did good work. I had a $2 million or $3 million study into some of the birds that come from Russia down to Queensland during the season. I have done a lot of work on the restoration of beaches through various government programs. I do not see myself standing in front of a tree, in front of a bulldozer. That is not my form of green power. My form of green power is doing practical things for the environment, not only so that people can enjoy it but also so that you remove feral influences from the environment and make it better.

I think a lot of the national parks in this country are very poorly run, and the state governments in many instances do not pull their weight. But when the Victorian government want to run a trial in a controlled area of land with a controlled number of cattle I think it is wrong to demonise them. I support the members for Gippsland, McMillan and Hume in their comments
today and I ask the minister to think carefully on this subject.

Mr BANDT (Melbourne) (10:24): The Greens’ position on this is well known. I have introduced a private member’s bill into this place that would have the effect of removing cattle from the park, which is now subject, of course, to the result of this vote. Because the minister has acted, we do not need to proceed with that, because we are giving effect to the fundamental principle that this is a park, not a paddock. Our views on this are well known and I am not going to repeat them all, but I do want to spend some time on the issue that—aside from the contribution by the member for McMillan—has been the underlying principle of almost every contribution here in this chamber and of the Victorian government, which is the idea that grazing in a national park with internationally recognised sensitive and endangered areas is somehow going to reduce the fire risk and that somehow a trial is needed to prove that.

After the fires in 2003 in the Bogong High Plains, there was the opportunity to conduct exactly that assessment. After those fires, scientists went in and conducted one of the most comprehensive studies of fire behaviour and its connection with grazing. They looked at over 419 points. They took over 4,000 twig measurements. They did a very comprehensive survey of the impact of those fires in the areas where there had been grazing in the park and those where there had not been. And what did they find? They found that there was no statistically significant difference between the areas where there was grazing and the areas where there was not.

Mr Schultz: Because the fire was so hot, you goose!

Mr BANDT: One would have thought that the conducting of a scientific trial—

Mr Mitchell: Mr Deputy Speaker, it is unparliamentary—

The DEPUTY SPEAKER (Hon. BC Scott): And the member for Hume is interjecting outside of his place in this chamber, which is very disorderly. The member for Melbourne has the call.

Mr BANDT: For those who come in here and say that the basis for this is fire risk and science and we need a trial: if you are going to base your argument on the science, let us look at the science, and the science is in. We have evidence, and I have not heard one member from the opposition talk about the study that was done after 2003, because it does not help their argument but it is what the science says.

We had a thing in Victoria in 2009—which again I have not heard any member from either Victoria or the coalition talk about—called the 2009 Victorian Bushfires Royal Commission. It had a $40 million budget. It sat for over 155 days. It came up with many recommendations. Not one of them was that we should reintroduce grazing into the park because it would reduce fire risk, despite the fact that the royal commission looked at these areas and looked at all of these issues and despite the fact that I suspect that some people probably made submissions to it to that effect.

But let us take this argument even further. Let us assume that you are prepared to ignore the fact that there has been a case study of this after 2003 and ample scientific evidence. Let us ignore the fact that we have had a royal commission looking at fires in Victoria. Let us just take the argument on face value that you want to have a controlled trial. If that is right, why did the scientist who is supposedly conducting this trial first find out about it after the Baillieu government introduced the cattle into the park? He found out about it when he read it
in the paper. If you really wanted to conduct a trial, wouldn't you appoint the scientist and then go and get them to investigate the area, work out their methodology, conduct their initial research, establish the baseline situation and then set out how you would conduct a trial?

No, that is not what happened here. What happened here was that the Baillieu government, within five minutes of being elected, put the cattle back into the park and then thought: 'Well, we need a bit of a fig leaf for this. Let's go and talk to a scientist. Let's go and arrange a scientist to get involved.' And the scientist did not even know that the cattle had been introduced. It is a fig leaf of a justification. It has been pulled away, and the sight behind it is not pretty. The Victorian government is misusing science to deliver on a very blatant political deal. The minister's actions are to be commended and the regulation should stand.

Mr WINDSOR (New England) (10:29): Initially I was not going to speak on the motion moved by the member for Gippsland to disallow the Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1), but I have been quite interested to hear what a number of speakers have actually said and, in particular, what the member for Hume has said because I was in that parliament in 1992 when a number of those issues were raised. Enough time has passed to show that on some of the issues that were raised back then—and I would like to think I was one of those that raised those issues at that time—mistakes were made in land management. Even though this debate is about whether or not a cow should be allowed in a national park and whether or not the cow can actually have some impact on fires and biodiversity, I think the broader debate that does need to be had is the one about land use since Aboriginals—and the member for Hume touched on this. We have a landscape that has been based largely on interference by humans—those humans being, of course, Aboriginals. I think most of us would be aware of the Aboriginals' checker plate type of burning arrangements—which is what I think the member for Hume was talking about—to attract kangaroo and other animal activity for hunting purposes and also to preserve their own lives so that massive bushfires would not take place. As to whether the cow actually replaces the Aboriginal in these areas that we are talking about, I am not qualified to say, but I think we should have a very close look at it in considering our broader land management issues.

The member for Hume would remember all that. And we still have a time bomb ticking in the Blue Mountains, given the warning signals that have gone out. The groundcover and debris loads in parts of the Blue Mountains will eventually lead to absolute destruction of some of those areas, including the communities that live in them. All of us who sit in this place have heard, 'Let it return to nature; let nature take its course.' The nature that we are talking about has been created by humans—the Aboriginal people. Even though we neglect them in many ways, perhaps, before it is too late, we should consult with these people on how to manage some of these systems, because the very biodiversity that we are talking about has essentially been created by them. I have got such areas in my electorate, the Oxley Wild Rivers National Park. There have been debates, just as we had in the nineties in the New South Wales parliament—and I am sure they were carried out in other states as well—and arguments about lantana and blackberry control, as have been mentioned by various members today, and about what occurs as to the biodiversity and the weed and feral animal issues when you remove
humans from that environment. Some suggest that if you leave it long enough it will all return to the way it was. It was a managed system in some sense and we are doing our best to take Aboriginals out of the landscape rather than putting them back into it. We cannot return it to the way it was, so in some sense this city based view that you do nothing—that is, let nature take its course—has a misguided objective.

The other instance that I would raise—and I know this might be a little bit outside the debate but I think it is pertinent to the wider land management debate—is the absolute desecration that is taking place in Central Australia as I speak. Because the majority of people do not go there—although I do; that is where I go on holidays, and it is magnificent country—they do not see the impact of feral camels and the climate change issues that are happening in some areas where in recent decades there has been more rain than in the past. That situation will not last forever. But there has been a massive explosion in camel numbers with massive destruction. I have had the pleasure of going up and down the Canning Stock Route a number of times and along many of the old desert tracks and whatever that are out there, and the destruction of natural waterholes and natural vegetation is just appalling. So I, here and now, make the plea that something has to be done. I know there are issues before the current government in terms of carbon farming initiatives and methane, so it could be by that or by direct bounty or vermin control.

There has been a lot of preoccupation with this particular issue before us as to whether a cow is going to create the future or desecrate the future, but I think there are other issues out there that should be looked at much more closely. I think the city should start to pay some attention, because a lot of this is about politics. Whether it be National Party donations or the green vote, it is about politics rather than land management. From time to time the landowners who are park neighbours and whose land is plagued by a whole range of other things—the feral animals and weeds that come out of some of these areas—get a little bit burnt up about the way that politicians respond to some of the national park management issues.

Last night I happened to run into a great Australian. I refer to Keith Payne, whom I had met before and I think most people would know by name, so I do not have to describe who he is. He had flown into Canberra yesterday from Western Australia via Alice Springs, and I met him last night. I had not realised that he has been very involved with Aboriginal communities in feral animal control, particularly camels, and they had been out yesterday and had shot 457 camels. Keith made the plea, and I agree wholeheartedly with him, that we have to do something about this issue. Although people on this side of the chamber will probably disagree, I think carbon farming initiatives are probably the vehicle that should be used. But whether it is the carbon farming initiatives or something else we have to inject some funds into solving this problem. When that country dries up again, that is when the politics will kick in. If you have been in Docker River when it is dry and seen a mob of camels go through town, you will know that it is not a pleasant sight, because they take the toilet bowls with them. That is when the politics and the expense of repairing some of these desecrations will occur.

I will be supporting the member for Gippsland's motion, not that I am a scientist in terms of this issue but because there are two broader issues that are crying out to be addressed here. The member for Melbourne is quite right: the Victorians spent a lot of money recently on a royal commission
looking into fires. Fire management post Aboriginal occupation has to be examined. Some people think that everything is just going to return to nature. It cannot. It would take thousands of years to get back to something that, possibly, looked like what was there before the fire-stick technology brought in by the Aboriginal people. They did not do that just to preserve the biodiversity; they did that to preserve themselves.

We have all got some pristine and magnificent areas in our electorates. We have to make sure there is some degree of management in those systems to prevent the loss of life and the loss of that very diversity that we are all talking about saving.

Mr MITCHELL (McEwen) (10:39): I rise today to support the Minister for Sustainability, Environment, Water, Population and Communities against the motion moved by the member for Gippsland to disallow the Environment Protection and Biodiversity Conservation Amendment Regulations 2011 (No. 1). I do so because, from what we have heard today, the facts seem to be far from the romantic view that those opposite are trying to put forward about cattle grazing. I was involved in the Victorian task force that ended the licences for cattle in the Alpine national parks. I actually spent time up there—days and weeks—with the cattlemen, with people whom I really admire, with people like Simon Turner and Harry Ryde, cattle producers, who are really good blokes. This is the thing that seems to be getting lost in the mystic romance put across by those on the other side.

Mr McCormack: It's called heritage.

Mr MITCHELL: The member for Riverina yaps in and says, 'It's called heritage.' Mate, when was the last time you had a bushranger in Wagga Wagga, apart from you? We do not have that anymore. We have got to be serious about this. This is purely about cattle farmers. They are beef producers; they are not some romantic, mystic people that sit around the camp fire and sing. I have been through this before because I have sat in the chamber with some people who have been directly related to mountain cattlemen.

Mr Schultz: You don't think history is relevant in this country?

Mr MITCHELL: History is very relevant—you are still sitting there; I consider you relevant.

The DEPUTY SPEAKER (Mr KJ Thomson): Order! Members on my left will cease interjecting.

Mr MITCHELL: We went through this whole thing. At the end of the day we are talking about cattle farmers. That is what they are and that is what they do, and they do it pretty well.

What this is about for the Nationals is protecting eight family farms. Now, thanks to the member for Gippsland admitting it, we find out that these are people who have contributed to National Party campaigns. The Nationals sit there and say, 'We've got to protect farmers.' Why would you protect eight farmers at the cost of everyone else?

During the 12 years of drought in Victoria, where people were paying an absolute fortune—hundreds of dollars a week—to get agistment to keep their cattle farms going, to keep themselves in business and to keep themselves going, eight families, including those directly related to the Victorian Premier, were allowed to agist their cattle on public land for $5 a season, for 16 to 20 weeks. While everyone else was going out the back door, going broke in the middle of a drought, a select handful of people on hereditary licences were virtually given a taxpayer funded agistment, and it was
wrong. It was wrong then and it is wrong now.

The Victorian task force I was on travelled everywhere, from Wonnangatta Station right up through the Bogong High Plains, right through Victoria's high country. We went and had a look at things. I am sure the minister will agree: I am probably not the greenest person in this place; I am probably the brownest one on our side. When I first became a member of that task force, I said, 'What are we doing this for?' By the end of the four or five weeks we spent up there, it was clear as day that some of the issues caused by cattle in the high country were such that we could not morally stand by and let them happen.

We spent days walking through the high country. There were places up there with sphagnum moss in the bogs. We came across two bogs that were not affected by cattle. Cattle are pretty heavy. They have got small feet and they punch a hole straight through the moss. This moss is used to filter the water that goes into our rivers—the water that we use to drink and to live off. When the snow melts and it rushes, the moss that is punctured gets pushed away. It takes many, many years for it to grow. It acts like a sponge to filter the water. The name of the grass in the bogs escapes me, but every person we met—the environmentalists, the cattlemen—all said the same thing: this particular grass that grows in the bog is like chocolate to cattle. They love it. They cannot get enough of it. So they are prepared to go through the bog to get to this grass. In doing so, they wreck the bog, which then wrecks the filter system for the waters that flow into our rivers. As I said, we saw only two that were not affected by cattle. I actually kept the photos because I had never seen a pristine one before. It is something that I still keep, because it is an amazing sight. They are beautiful places that should be enjoyed by more people, not locked up for access by a small number of people.

We also looked at environmental issues. We looked at the native grasses, the introduced grasses, the weeds and pests. Guess how the weeds got up there?

Most of the weeds in the cattle grazing area have got up there because they are driven up there and dropped off. We are not talking about the men from Snowy River who herd their cattle up there on horseback over five days; the grasses that are eaten elsewhere are taken up the mountains when the cattle do their droppings. By the way, this is how the Victorian government does scientific experiments to know what the impact is—they are out there counting cattle dung. That is their scientific experiment. It is just an absolute joke. So all those weeds that come in, they are in the cattle droppings and they spread through these areas and include things like blackberries and couch grass. They are up there and they are not native to high country ecosystems.

I also want to talk about the fires because this has been an interesting one. We get this romantic view of 'cattle grazing reduces blazing'. But not one cow would eat bark, twigs or leaves, which is what causes the fuel load, which is what causes the intensity. I know this because—it is a pity the member for Hume is not here—I sat through the hearings on the 2003 alpine fires where parts of the cattle-grazed area were burnt and parts were not, and parts in the areas that were untouched were burnt and other parts were not. Things like weather conditions, including the wind conditions, caused the changes in the fire. Not one person, including the people from the CFA or environmentalists, agreed that cattle grazing reduces blazing. Cattle eat grass. Grass does burn with the same intensity as twigs, bark, fallen trees and all those things. So the
theory that cattle grazing reduces blazing is just quite simply rubbish because it does not. It was proven it does not and you cannot run that argument seriously and say, 'Look, I'm being honest, hand on heart, this is what it is about'.

This is about the protection of eight families. That is all it is about. If you want to be fair to farmers and give them all a fair go, you would not allow eight farmers to go through drought conditions and fatten up their cows and get top prices while every other farmer on the low plains and on the low ground is getting nothing for their animals and going out the back door and relying on drought support. You cannot do that. Rather than having a hereditary license in which you have to marry in to get one, we looked at whether it is an option to the auction them off. This was quickly dismissed both by the mountain cattlemen and by us because people would go up there and do as much as they could to get as much as they could out of the grass.

In the end it was a decision that was made looking at things such as ecology, fire, cattle and heritage. We looked at a whole range of things and came to the conclusion that cattle grazing was not compatible with a national park. We concluded that it was not compatible with the native flora and fauna that is up there or with other users of the national park. The state government then offered the cattlemen more state forest land, extra amounts of land to use for grazing. But they said no. It was either all or nothing, so they got nothing. We went out of our way to help them; we tried to keep things going. It is not ending the tradition. It is not ending the heritage. There are still high plains up there in state forests that get grazed all the time and there is no problem with that. But this is about the use of the national park, which is not compatible with cattle grazing.

The other thing that seems to have been overlooked is that the cattlemen received $5 million in compensation from the Victorian taxpayers. That is a more than generous amount of money, but now, because of direct relatives of the Premier and friends of the National Party, they are back in there. Where is the money? Did they give the money back? No. According to the member for Gippsland, they financed National Party campaigns with it. That is absolutely wrong. You cannot stand there and say, 'We're doing the right thing'.

Mr Chester interjecting—

Mr MITCHELL: You basically have said that they paid for their opinion to be heard.

Mr Chester: On a point of order, Mr Deputy Speaker: I ask the member to withdraw.

Mr MITCHELL: For what?

Mr Chester: The suggestion that a member's vote can be bought by political donations.

Mr MITCHELL: I will withdraw if it makes you happy, but I would just ask you to read your own Hansard later and tell me if I am wrong.

The DEPUTY SPEAKER: The member for McEwen might assist the House by simply withdrawing.

Mr MITCHELL: I will withdraw again. When we look at this issue before us today, quite clearly it is about mates and not about national parks or about ecology. We know that cattle damage moss beds, which are very fragile. Cattle pollute waterways and create tracks. We saw an example of this during the time we spent up there with the cattlemen and the environmentalists—and this is going to be a good slap at environmentalists. A cow had died in a bog and it was decomposing. It affected the bog. The
environmentalists were very quick to say: 'Look, the cow's died in a bog. It's bad.' But at no time did any of them think: 'You know what? We should remove that and protect the environment'. No, they slapped the cattlemen. I brought it to their attention and said: "Well, this is rubbish. If this is so important, why wouldn't you just remove the carcass?" That was the right thing to do, to remove it and to ensure that it did not impact any further on the moss beds. But what if we take away all the arguments that have been put forward by those opposite and sit down and ask: 'What's important? What do we want from the national park?' We want it to be open for a lot of users, for a lot of people to use it and to use it freely.

A fellow that the member for Gippsland and I both know, Mr Devers, will tell you about the time he was chased by cattle through the park when he was bushwalking. Mr Devers is a very good bushwalker and also does alpine rescues. You cannot go to the areas that are okay to camp in because of the cowpats that are everywhere. We have to use it for as many purposes as possible. This includes Wonnangatta Station. I went there and I remember hearing, 'Have a look at it, it's a mess'. If you looked at it as a paddock to put your cows in to graze then it probably did look a mess. But if you looked at the native grasses that were growing there, the kangaroo paw et cetera, in their native environment it was looked pristine. We do not lock people out of there. There is a place there called the widow-maker where the four-wheel drivers go up and down. That is part of it. There are bush tracks for people to walk through and huts for people to stay in when they go fishing and camping.

Mr Christensen: Four-wheel drives but not cows.

Mr MITCHELL: The honourable member says 'Four-wheel drives, not cows' but there are four-wheel drive tracks in the national parks and there have been for a long time. I am sure someone like yourself has probably never been in one and would not understand that. It is about ensuring that you get a balance for all users and not lock up lots and lots of areas just for eight families to protect their interests. I know the member for Gippsland is on the charge for his buddies down there but the reality is that he is wrong. This motion is wrong and the minister is right that we do not take steps backwards and turn a national park into a private farm for a handful of graziers.

Mr CHRISTENSEN (Dawson) (10:53): What a disgraceful performance we have just heard from the member for McEwen, repeating the allegations made by the Minister for Sustainability, Environment, Water, Population and Communities and also by his Greens mate, the member for Melbourne, disparaging graziers in Victoria, claiming that these guys had bribed the National Party to give them—

Mr Mitchell interjecting—

Mr CHRISTENSEN: No, that is what you said, mate. You stand by those comments, and the minister can too. You made the claim that graziers had bribed the National Party to get this outcome, to get this trial.

Mr Mitchell: Mr Deputy Speaker, I have a point of order. The member for Dawson has just made an outrageous allegation and I ask him to withdraw.

The DEPUTY SPEAKER (Mr KJ Thomson): It would assist the House if the member for Dawson would withdraw.

Mr CHRISTENSEN: I withdraw, Mr Deputy Speaker, but what has been said here, particularly by the minister and by the member for McEwen, flies in the face of not only the reality of natural resource management but also what the minister's
department is approving elsewhere. I will tell a little of what is going on in my electorate at Wongaloo Station. Wongaloo Station has been bought and now is being looked after by a private foundation called the Wetlands and Grasslands Foundation because, basically, it is North Queensland's Kakadu. We have an area there which is second to none for its wetlands—the Cromarty wetlands, the bird life and the wildlife that all comes to that area. The bloke who is pushing for Cromarty wetlands to be established as Wongaloo conservation park is a former state Nationals MP, Mark Stoneman, who is a great practical environmentalist. He is the chairman of the natural resource management group up there, NQ Dry Tropics. As the member for Riverina says, most National Party people are great environmentalists and, again, most farmers are also great practical environmentalists. Mark Stoneman is no different. He has been pushing the establishment of the Wongaloo conservation park for some time. The end result will be management of that property by the Wetlands and Grasslands Foundation as a conservation park. There is currently a lot of research going into this. It has been done with the minister's support when the member for Kingsford-Smith was the Minister for Environment, Heritage and the Arts. Some time ago he went to Townsville, in that region, and gave $1.79 million in federal funding to help purchase the wetlands for the Wetlands and Grasslands Foundation to set this place up as a conservation park. There have been ongoing discussions between the Wetlands and Grasslands Foundation and the federal Department of Sustainability, Environment, Water, Population and Communities on this. One of the key principles that they are looking into up there, with the department's support, is the retention of cattle grazing as a control against the intrusion of exotic weeds—in an area aimed at being set up as a conservation park.

Now we have the minister arguing in here against what they want to do in one state—to have cattle grazing to stop noxious weeds and to see what other outcomes that that might achieve—and has been done in that part of the world for many a year, longer than the Labor Party has been in existence, longer than the Greens have been bleating. The people there have a definite heritage in that area. Yet, up in North Queensland, the federal department is facilitating the same outcome to get environmental results.

As I said, a lot of research has gone into the benefits of continuing grazing. The Wetlands and Grasslands Foundation, with the cooperation of the federal environment department, is getting that research and monitoring so that it can be used by other people who want to set up conservation parks around Australia. It is just unbelievable that the minister is here advocating that something should not happen in Victoria while his department is facilitating it in North Queensland. I have been down there to Wongaloo and the Cromarty wetlands and I have seen that the cattle that are grazing in certain areas there have nearly eradicated the noxious weeds, and there are plenty of them—182 different species of weeds in that area which cause real damage to the native flora.

Then I go to the areas inside that wetlands, inside the proposed conservation park, where there is no cattle grazing permitted. Do you know what I see? Feral pigs, everywhere, chewing on the weeds and running rampant. That damages not only native flora but also native fauna. If we look across Queensland's national parks—there are plenty in my area; for instance, Eungella National Park—the management of those flora.
national parks is so poor that farmers have to invest in stopping feral pigs, wild dogs and other feral animals from coming into their properties from the national parks. Again, I am just astounded that the minister's department is supporting an approach in North Queensland while in this chamber the minister says that approach is no go in Victoria. Even more disgraceful are these repeated comments, without any proof, that graziers have funded a political party in order to get a specific outcome—that being this trial of cattle grazing in Victorian national parks.

Surely the cattlemen in this country have copped enough from this Gillard Labor government. We went through the live export debacle, which they stuffed up in every way possible—almost bringing the entire North Queensland cattle industry to its knees. Now we have a carbon tax which will increase input costs for farmers everywhere around Australia, including for the Victorian graziers. On top of that, the carbon tax will drive costs for abattoirs higher, so the abattoirs will seek to reduce the number of cattle which go through in order to get their carbon emissions down. That is going to have an impact on graziers as well. Now here is another hit.

What is it all about? I can tell you what it is about: it is about the Greens. It is about the fact that this government has a written alliance with the Greens. They are dancing to the tune of the Greens once again. We have seen it up in North Queensland. Pressure was put on the state government to introduce reef regulations which impact on cane farmers. They have to complete a bunch of paperwork, test which way the wind is blowing and obtain information that even the Bureau of Meteorology would probably not have before they are able to use fertiliser and herbicide on their farms. The federal government is now pushing to lock up fishing waters in North Queensland. Commercial and recreational fishing will both suffer. This Labor government is again dancing to the tune of the Greens.

The DEPUTY SPEAKER (Mr KJ Thomson): The member for Dawson is a long way from the motion. It would assist the House if he were to return to the motion.

Mr CHRISTENSEN: I will return to the motion. But we are seeing a consistent approach to policy around the nation—the government dancing to the tune of the Greens. Whether it is locking up sections of the Coral Sea, whether it is requiring farmers to fill in heaps and heaps of paperwork just to undertake normal farming practices or whether it is knocking Abbot Point on the head for another six, seven or eight months—bringing it to two years—all of this stuff is just dancing to the tune of the Greens, and this regulation is as well. The minister should be ashamed of the comments he has made in this place.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (11:02): It gives me great pleasure to support those on this side by rising to speak on the motion proposed by the member for Gippsland to disallow regulations under the Environment Protection and Biodiversity Conservation Act 1999. Grazing of domestic stock within the Australian Alps national parks and reserves, which are on the National Heritage List, has a significant impact on the listed values of those places. The Australian alps are one of Australia's unique landscapes, as has been eloquently agreed by all members who have spoken on this disallowance motion this morning. The alps are listed under the national environment law, the EPBC Act, to protect this area of great national significance.
Over the summer of 2010-11, the new Liberal-National Party government in Victoria quietly reintroduced cattle to the Alpine National Park in Victoria under the guise of a so-called scientific research trial. That has been very clearly covered by the minister, by members on this side and by some of the Independents and the Greens. The Victorian government took that action without first submitting their proposal to the federal government for assessment under the national environmental law to determine if any ecological areas would be impacted by their actions. The minister made it very clear, very early, that the Baillieu government were wrong to reintroduce cattle to the Alpine National Park and that, in doing so, they had set a dangerous precedent for the management of national parks across Australia. That is why this government last year made regulatory changes which formally recognised the significant impact of livestock grazing on the National Heritage values, listed under the EPBC Act, of the Australian alps National Heritage area and that any future new grazing activities proposed in the Australian alps National Heritage area, including the Alpine National Park, needed to be assessed under the EPBC Act. The minister made that statement last year in introducing the regulation. He has again today eloquently and forcefully given the rationale and reasoning behind that regulation, as have others on this side and others in this place. That is why I was quite prepared to support the minister in opposing this disallowance motion. I think that all in this House should now say where they stand on this important principle of whether you protect your national parks or you do not. We on this side do.

Mr McCormack (Riverina) (11:06): I was most impressed to see the passion shown by the Minister for Sustainability, Environment, Water, Population and Communities on this issue of cattle grazing in the Australian Alps. I look forward to him showing exactly the same passion and commitment when he brings about a triple-bottom-line approach in the Murray-Darling Basin plan and ensures that we have social, economic and environmental outcomes considered in any water policy in this nation. He showed a lot of passion today. I look forward to him showing the same passion on that issue.

This disallowance motion comes about because, as is evident, the Greens are running the show. Labor might be in power but the Greens are running the show. The cattle will not be tearing up the bush as Labor and the Greens would have people believe. The Greens would like to see the national parks locked up. They are anti everything Australians cherish about the great outdoors. If the Greens get away with this and our national parks are locked up they will be left for feral animals to rule and noxious weeds to take over. With all the litter left lying around it would take just one spark for Black Saturday—those terrible, dreadful, horrific Victorian bushfires—to be repeated, and no-one wants to see that. The Greens, and others, are opposed to grazing but grazing reduces the litter load. Grazing reduces the risk of terrible bushfires. This disallowance motion is necessary because the Greens are running the show. Stockmen have grazed cattle in the Victorian alpine country for decades—more than 150 years. The high country ecosystems over this period. Only recently has it been decided that grazing should not continue—and why? Because we have a green agenda running this country. This alpine country was open up by stout-hearted
stockmen, the mighty men of the Snowy River, on their horses. Now the brumbies run free, and I have no doubt the Greens want to get rid of them too.

This issue has been very much in the news since 2005 when the Bracks Labor government banned cattle grazing in Victoria's Alpine National Park in response to ongoing lobbying from environmental groups. The ban was overturned in January 2011 when the Baillieu coalition government, newly elected by the people—and this was very much an issue at the forefront of that election—reintroduced cattle to the estate for a short-term grazing trial, the first annual stage of a planned five-year project designed to ascertain whether grazing lowers bushfire risk by reducing fuel loads. The move attracted the ire of the minister at the table, Minister Burke, who pushed a special regulation through federal parliament to prevent the Victorian government from allowing cattle to re-enter for the second year of the trial. At the same time, the minister wrote to his state counterparts advising that the federal government was seeking greater control of Australia's 500 national parks, which are currently controlled by state governments. Citing the devastating nature of bushfires, the Victorian government asked the federal government to reconsider the importance of the trial as a bushfire mitigation tool. The federal minister responded by saying the move would have a 'clearly unacceptable' impact on the National Heritage values of the park estate. The minister's actions are based on a green desire to lock up vast tracts of country and to return them to complete wilderness. Mark Coleman, a third generation mountain cattleman and president of the Mountain Cattlemens Association of Victoria, said:

The concept may work in a rain forest in the Amazon or somewhere, where nature will take its course, but not here where I am standing in Victoria which is one of the most bushfire prone areas of the world.

Aboriginal people have managed the alpine landscape with firestick farming for tens of thousands of years and mountain cattlemen have continued similar management practices by burning patches of country every autumn. Cattlemen took a $100 million hit last year from Labor's live cattle export fiasco. They do not need to keep taking green hits from this government. Particularly in this, the Australian Year of the Farmer, farmers do not need to continue to be deterred by this government.

The member for McEwen speaks of bushrangers. Had a certain MP on that side of the House said 'Bail up! There will be a carbon tax under the government I lead', maybe—just maybe—we would not be having this discussion this morning.

Mr CHESTER (Gippsland) (11:11): In concluding this debate, may I say this has been an excellent debate and I congratulate all members who have spoken, including the Minister for Sustainability, Environment, Water, Population and Communities and the Parliamentary Secretary for Agriculture, Fisheries and Forestry, and the members for Hume, Hinkler, Melbourne, McEwen, New England, Dawson and the Riverina. What we have seen this morning is proof of the passion that issues of natural resource management still generate in this place and, in particular, the passion that the issue of the mountain cattlemen generates. I thank all members for their contributions, even those I do not necessarily agree with, and for the way they took on this debate and raised their points of view.

I want particularly to comment on the member for McMillan's contribution. The member for McMillan spoke very eloquently about the cultural heritage of the mountain cattleman that we are talking about today. He
made a very important contribution regarding what direction we are going to take in natural resource management in this country in the future—whether we are going to recognise that active land management involving people on the ground is the way forward for natural resource management, rather than the 'lock it up and leave it' approach which has been dictated by governments in various jurisdictions in recent times.

At the outset I pleaded with the minister to show respect. He tried hard but he did, in the end, whip himself into an indignant frenzy about whether or not it was appropriate for the mountain cattlemen to make a donation to a political party. I encouraged him to give it his best shot and he certainly did. Unfortunately, in the minister's attack he suggested quite strongly—and I hope this was not his intention—that there was some kind of ulterior motive involved behind the mountain cattlemen making a donation to a political party in an open and transparent manner. I hope that is not what he was intending to say, but that is what it sounded like when he was speaking. He was imputing improper motives to members of the National Party and in doing so he was showing enormous disrespect to the cattlemen. As I said in my comments to the House, quite clearly and in a very open and transparent manner—and the minister congratulated me for my honesty—the Liberal Party and the National Party had pre-existing policies relating to the mountain cattlemen well before the 2010 election. It is spurious and it is a red herring to try to link the two and suggest there is some level of cash for comment, as the minister himself did, and as the member for McEwen did later on. I do not think that either member covered themselves in glory by trying to suggest there is some sort of ulterior motive on the part of either the members involved or the cattlemen themselves.

For the record, in answer to the member for McEwen's comment that I am 'on the charge for my buddies', I just want to say that I have no financial interest whatsoever in this issue and it is wrong to suggest that my opinion on this issue has been influenced in any way by friendships or financial donations to me or my party. I think you are wrong to make that suggestion. It was inappropriate and I took exception to the comment. Hence, I raised a point of order when the opportunity presented itself to me.

The minister said that the Labor Party is proud of its record on this issue. The fact is that the state Labor government kicked the cattlemen out of the high country on the back of a dodgy inquiry with preordained recommendations. When the high country burns next time and lives are lost, property is destroyed and native animals are scorched, I wonder whether members opposite are still going to be proud of their approach to the issue and the issue of natural resource management more generally.

Natural resource management in this nation is heading in the wrong direction. The member for Hume spoke about this. The member for New England also spoke very eloquently about this issue. We are going down the wrong path when it comes to natural resource management. 'Lock it up and leave it' is not an environmental policy; it is a recipe for disaster. This is the path we are heading down. If we follow the Greens down this ideological path, we will destroy this great environment that we have all stood here today and said we cherish. 'Lock it up and leave it' is not an environmental policy.

I welcome the vote today, just as the minister himself said he will welcome the vote, because we will put on the record where we all stand on this very important
issue. The minister is nodding his head. I think it is important that members get to vote today on where they stand on this very important issue of natural resource management and whether they believe in practical and active land management. On this side when we vote today we will be demonstrating our respect for the Victorian coalition government and the mandate it received in 2010. We will also be respecting the mountain cattlemen and their families and their more than 150 years of active management of the high country. We will also be respecting the role mountain cattlemen can play in reducing the fuel load and in sustainable environmental management through grazing and prescribed burns. We will also be respecting the heritage of regional communities on both sides of the Great Dividing Range in Victoria.

The member for McEwen asked the question: who is Doug Treasure? Doug was a former President of the Mountain Cattlemen’s Association of Victoria. Doug died this year. Doug campaigned for many years on behalf of his constituents in the Mountain Cattlemen’s Association. Doug was a great man. He lived in Stratford and made an enormous contribution to active land management through his role with the Mountain Cattlemen’s Association of Victoria. I assume that the member for McEwen just wanted to know who Doug Treasure was. That is who Doug Treasure was. Doug was a tremendous man who made a great contribution. He passed away earlier this year, and we in this place send our love to his family.

Today, in voting for this motion, we will demonstrate our respect for regional Australians and how they choose to live their lives. I thank the House.
Thursday, 14 March 2012

NOES

Brodtmann, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Creean, SF
D' Ath, YM
Elliot, MJ
Emerson, CA
Fitzgibbon, JA
Georganas, S
Gray, G
Griffin, AP
Hayes, CP
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Murphy, JP
Oakeshott, RJM
O’Neill, DM
Parke, M
Plibersek, TJ
Rishworth, AL
Rudd, KM
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Vamvakinou, M
Zappia, A

Burke, AE
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Garrett, PR
Gibbons, SW
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Jones, SP
King, CF
Live more, KF
Macklin, JL
McClelland, RB
Mitchell, RG
Neumann, SK
O’Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, KJ
Wilkie, AD

PAIRS

Abbott, AJ
Griggs, NL
Katter, RC
Somlyay, AM
Gillard, JE
Thomson, CR
Rowland, MA
Ferguson, MJ

Question negatived.

BUSINESS

Suspension of Standing and Sessional Orders

Mr HUNT (Flinders) (11:26): I move:

That so much of the standing and sessional orders be suspended as would prevent notice No. 7, private Members’ business, standing in my name, being called on and proceeded with immediately and that until it is disposed of it take precedence over all other business before the House. In Particular that this House gives precedence to the Solar Hot Water Bill for the following reasons—the Government:

(1) terminated the Solar Hot Water Rebate program with no notice to families, retailers or manufacturing workers at 4.59 on 28 February 2012;

(2) did so in breach of its own mid-year budget papers of 10 February which showed $63.5m for the current financial year and $24.5m for the coming financial year commencing on 1 July 2012;

(3) has failed to provide the figures as to the number of units funded to date this financial year; and

(4) stands condemned for the hypocrisy of imposing the world’s highest and broadest carbon tax while simultaneously abandoning incentives for low cost hot water to families.

This is a government of solar frauds—

The SPEAKER: Order. The honourable member will resume his seat. I call the Leader of the House.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (11:29):

The opposition have given no notice or request to the government, and on that basis I move:

That the member be no longer heard.

The SPEAKER: The question is that the honourable member for Flinders be no longer heard.

The House divided. [11:34]

AYES

Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Albanese, AN
Bowen, CE
Brodtmann, G
Burke, AS
Byrne, AM
Cheeseman, DL
### AYES

| Clare, JD | Collins, JM |
| Combet, GI | Crean, SF |
| Danby, M | D’Ath, YM |
| Dreyfus, MA | Elliot, MJ |
| Ellis, KM | Emerson, CA |
| Ferguson, LDT | Fitzgibbon, JA |
| Garrett, PR | Georganas, S |
| Gibbons, SW | Gillard, JE |
| Gray, G | Grierson, SJ |
| Griffin, AP | Hall, JG (teller) |
| Hayes, CP | Husic, EN (teller) |
| Jenkins, HA | Jones, SP |
| Kelly, MJ | King, CF |
| Leigh, AK | Livermore, KF |
| Lyons, GR | Macklin, JL |
| Marles, RD | McClelland, RB |
| Melham, D | Neumann, SK |
| Murphy, JP | O’Neill, DM |
| O’Connor, BPJ | Parke, M |
| Owens, J | Pliibersek, TJ |
| Perrett, GD | Rishworth, AL |
| Ripoll, BF | Roxon, NL |
| Roxon, NL | Shorten, WR |
| Saffin, JA | Smith, SF |
| Sidebottom, PS | Smyth, L |
| Smyth, L | Snowdon, WE |
| Swan, WM | Symon, MS |
| Thomson, KJ | Vanvakinou, M |
| Zappia, A | |

### NOES

| Morrison, SJ | Moylan, JE |
| Neville, PC | Oakeshott, RJM |
| O’Dowd, KD | O’Dwyer, KM |
| Prentice, J | Pyne, CM |
| Ramsey, RE | Randall, DJ |
| Robb, AJ | Robert, SR |
| Roy, WB | Ruddock, PM |
| Schultz, AJ | Scott, BC |
| Secker, PD (teller) | Simpkins, LXL |
| Smith, ADH | Southcott, AJ |
| Stone, SN | Tehan, DT |
| Truss, WE | Tudge, AE |
| Turnbull, MB | Van Manen, AJ |
| Vasta, RX | Washer, MJ |
| Wilkie, AD | Windsor, AHC |
| Wyatt, KG | |

### PAIRS

| Ferguson, MJ | Somlyay, AM |
| Rowland, MA | Macfarlane, IE |
| Thomson, CR | Griggs, NL |

Question negativated.

**The SPEAKER:** The honourable member’s time has expired. Is the motion to suspend standing and sessional orders seconded?

**Mr BILLSON** (Dunkley) (11:41): I second the motion. This is about small business hypocrites in the government. This is another smack in the chops to small business from more policy flip-flops from you guys. That is why we need to suspend standing orders.

**Mr Albanese:** Mr Speaker, there is no tabling of any resolution. It is reasonable that the opposition—

**The SPEAKER:** The Leader of the House will advise why he is seeking the call.

_Honourable members interjecting—_

**The SPEAKER:** The member for Dunkley will withdraw the word 'hypocrite'.

**Mr BILLSON:** I withdraw. The point here is the smack in the chops to small
business from another government flip-flop on policy.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (11:42): I move:

That the member be no longer heard.

The SPEAKER: The question is that the honourable member for Dunkley be no longer heard.

The House divided. [11:48]

(The Speaker—Hon. Peter Slipper)

Ayes..............................69
Noes.............................73
Majority.........................4

AYES

Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AE
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Garrett, PR
Gibbons, SW
Gray, G
Griffin, AP
Hayes, CP
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Murphy, JP
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, KJ
Zappia, A

NOES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC
Fletcher, PW
Frydenberg, JA
Gash, J
Hartsuyker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C
Ley, SP
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Schultz, AJ
Secker, PD (teller)
Smith, ADH
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wilkie, AD
Wyatt, KG

PAIRS

Ferguson, MJ
Somlyay, AM
Rowland, MA
Macfarlane, IE
Thomson, CR
Griggs, NL

Question negatived.

The SPEAKER (11:53): The question now is that the motion be agreed—

Honourable members interjecting—
The SPEAKER: The time for the debate expires at 11.53. It is now 11.52 and 45 seconds. The question is that the motion—

Honourable members interjecting—

The SPEAKER: You were not seeking the call. The honourable member for North Sydney now has the call.

Mr HOCKEY (North Sydney) (11:52): The Labor Party are hypocrites when it comes to small business.

The SPEAKER: The time allotted for this debate—

Mr Hockey: They do not care about small business, Mr Speaker; they never have. They are hypocrites and they are anti business.

The SPEAKER: The time allotted for this debate has expired, and the honourable member for North Sydney will not defy the chair. The Leader of the House will resume his seat. The question before the chair is that the motion—

Honourable members interjecting—

The SPEAKER: I stated the question. I was very careful to state the question because the time had not expired. The question before the chair is that the motion moved by the honourable member for Flinders be agreed to.

The House divided. [11:57]

(The Speaker—Hon. Peter Slipper)

Ayes......................70
Noes......................72
Majority..............2

AYES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ

Alexander, JG
Andrews, KL
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC

Entsch, WG
Forrest, JA
Gambaro, T
Haase, BW
Hawke, AG
Hunt, GA
Jensen, DG
Keenan, M
Laming, A
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Schultz, AJ
Secker, PD (teller)
Smith, ADH
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wilkie, AD

AYES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
D'Ath, YM
Elliot, MJ
Emerson, CA
Fitzgibbon, JA
Georganas, S
Gillard, JE
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
McClelland, RB
Mitchell, RG

NOES

Adams, DGH
Albanese, AN
Bandt, AP
Baldwin, RC
Bishop, BK
Brough, BS
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ

Alexander, JG
Andrews, KL
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC

Fletcher, PW
Frydenberg, JA
Gash, J
Hartsuyker, L
Hockey, JB
Iron, SJ
Jones, ET
Kelly, C
Ley, SP
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Scott, BC
Simpkins, LXL
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ
Wyatt, KG

The Speaker—Hon. Peter Slipper
Mr FITZGIBBON (Hunter—Chief Government Whip) (12:03): by leave—I move:

That the bill be referred to the Federation Chamber for further consideration.

Question agreed to.

BILLS

Insurance Contracts Amendment Bill 2011

Reference to Federation Chamber

National Radioactive Waste Management Bill 2010

Consideration of Senate Message

Senate's amendments—

(1) Clause 4, page 3 (line 1), after "1998", insert "that is of domestic origin".

(2) Clause 4, page 3 (line 2), at the end of the definition of controlled material, add "For this purpose, controlled material is of domestic origin if it has been used in Australia, generated by activities in Australia, or sent to Australia under contractual arrangements relating to the conditioning or reprocessing of ANSTO spent nuclear fuel (within the meaning of the Australian Nuclear Science and Technology Organisation Act 1987).

(3) Clause 17, page 18 (line 26), at the end of subclause (1), add "or (4)"

(4) Clause 17, page 18 (line 29), after "14(2)", insert "or (4)"

(5) Clause 17, page 19 (lines 2 and 3), omit "that was, immediately before the revocation, the selected site", substitute "that was the subject of the revoked declaration"

(6) Page 33 (after line 15), after Part 6, insert:

34A Application of Part

This Part applies if:

(a) the Minister has made a declaration under subsection 14(2) that a site in a State or Territory (the relevant State or Territory) is selected as the site for a facility; and

(b) a facility has been constructed at the site.

34B National Repository Capital Contribution Fee

(1) An entity wishing to use the facility, other than the following entities:

(a) the Commonwealth;

(b) the relevant State or Territory;

(c) an authority of the Commonwealth or the relevant State or Territory;

must pay such fee (the Capital Contribution Fee) as is prescribed by the regulations as a capital contribution towards the cost of the facility before being eligible to have radioactive waste accepted by the facility for storage, management or any other purpose.

(2) The Capital Contribution Fee is to be determined in the manner prescribed by the regulations.

(3) In this section:

authority of the Commonwealth means:

(a) a body corporate established for a purpose of the Commonwealth by or under a law of the Commonwealth or a law of a Territory; or

(b) an incorporated company in which the Commonwealth, or a body corporate referred to in paragraph (a), has a controlling interest.
authority of the relevant State or Territory means:

(a) a body corporate established for a purpose of the relevant State or Territory by or under a law of the relevant State or Territory; or

(b) an incorporated company in which the relevant State or Territory, or a body corporate referred to in paragraph (a), has a controlling interest.

34C National Repository Capital Contribution Fund

(1) The National Repository Capital Contribution Fund (the Fund) is established by this subsection.

(2) The Fund is a Special Account for the purposes of the Financial Management and Accountability Act 1997.

(3) The Fund is taken to be established immediately after a facility licence that authorises a person to operate the facility is issued under the Australian Radiation Protection and Nuclear Safety Act 1998.

34D Credits of amounts to the Fund

(1) There must be credited to the Fund:

(a) all money appropriated by the Parliament for the purposes of the Fund; and

(b) amounts in excess of the first $10,000,000 received by the Commonwealth as Capital Contribution Fees.

Note: An Appropriation Act provides for amounts to be credited to a Special Account if any of the purposes of the Account is a purpose that is covered by an item in the Appropriation Act.

(2) Amounts standing to the credit of the Fund may be debited for the purposes of providing enhanced public services and/or infrastructure in the relevant State or Territory.

Note: See section 21 of the Financial Management and Accountability Act 1997 (debits from Special Accounts).

34E Conditions attaching to the initial use of facility

(1) A radioactive waste management facility established on a site selected under this Act must not commence accepting any radioactive waste for storage, management or any other purpose, unless:

(a) the requirements specified in subsection (2) of this section have been met; and

(b) the Minister has given to the person managing the facility a notice certifying that each of those requirements has been met.

(2) The requirements to be met for the purposes of subsection (1) are:

(a) that the Fund stands in credit to the value of at least $10,000,000; and

(b) either:

(i) the Commonwealth has entered into an agreement with the relevant State or Territory for the administration of the Fund, which provides that the Fund be administered by the Minister, on the advice of a committee chaired by the Premier or Chief Minister of the relevant State or Territory and comprising 3 other persons resident in that State or Territory with expertise in education, infrastructure and health respectively; or

(ii) failing such agreement—the Commonwealth has established a committee comprising 3 persons with expertise in education, infrastructure and health resident in the relevant State or Territory, whose function is to advise the Minister on the administration of the Fund by the Minister.

34F Commonwealth acceptance of waste destined for facility

The Commonwealth must not accept radioactive waste from any entity in a manner that avoids the payment of the Capital Contribution Fee mentioned in section 34B.

Ms KING (Ballarat—Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing) (12:04): I move:

That the amendments be agreed to.

The government supports Senate amendment (1). The government agrees that a national radioactive waste management facility should not become an international waste repository. It has been the position of successive Australian governments that
Australia will not accept other countries' radioactive waste. We want to make that clear. Countries that benefit from the use of Australian uranium for electricity generation should expect to make their own arrangements to manage and ultimately dispose of the resulting nuclear waste. This amendment, which was passed unanimously by the Senate, restricts access to a national radioactive waste management facility to waste that originates from use of radioactive materials and nuclear activities in Australia.

In particular, it permits waste arising from overseas reprocessing of Australian research reactor fuel to be accepted at the facility. The amendment complements controls under the Customs (Prohibited Imports) Regulations and the prohibition already in the bill of acceptance of high-level waste, preventing the facility from accepting used power reactor fuel. In practice, there will be no international interest in an Australian waste management facility. Such facilities already operate at a multitude of sites around the world.

In regard to Senate amendment (2): naturally, the government supports this amendment as well. The National Radioactive Waste Management Bill 2010 currently provides that the minister may declare a volunteered site as the site for a radioactive waste management facility. Clause 17 provides that the minister may revoke a declaration to acquire a site for the facility. This provision reverses a decision to select a site in the event that the site fails to meet regulatory approvals. In its current draft, the bill does not allow the same revocation to also be made for the all-weather road access to the site. This oversight was originally identified in the Parliamentary Library Bills Digest No. 52, 2010-2011 at page 13. There is no policy justification that would require the Commonwealth to continue a declaration for road access to a site that would not be the location for the facility. Therefore, the proposed amendment addresses this minor oversight. In the event that an acquired site and road did not meet regulatory approvals under the Environment Protection and Biodiversity Conservation Act 1999 or the Australian Radiation Protection and Nuclear Safety Act 1998, the amendment has the effect of allowing the minister to revoke a decision to select a road for the purposes of the facility.

In relation to the final amendment, the government supports the opposition amendment. The opposition amendment establishes a fund for the host state or territory where a facility is located. Moneys paid into the fund will be used to enhance medical services in that state or territory. In his speech in support of the amendment, Senator Scullion spoke about steering away from the not-in-my-backyard mentality when it comes to establishing a facility in Australia. The volunteer provisions in the bill as well as this amendment support this approach.

Mr BANDT (Melbourne) (12:07): I rise to speak to the amendments proposed by the Australian Greens and agreed to by the Senate on the National Radioactive Waste Management Bill 2010. As members may recall, I referred this bill to the Standing Committee on Climate Change, Environment and the Arts on 21 October 2010; however, the committee chose not to take any evidence or hear witness statements other than from the proponent and issued a report on the basis of one departmental briefing.

Without going through and examining its merits and gaps, this bill is an utterly deficient legal framework to deal with the most toxic and long-lived hazardous waste material in this nation. This fatally flawed bill that allows for nuclear waste to be
imposed on Muckaty Station in the Northern Territory on an unwilling Aboriginal community was at least improved in one very small regard: the prohibition against Australia importing radioactive waste from other countries has been tightened up through a Greens' amendment which added ‘that is of domestic origin’ to the definition of a controlled material—that is, the nuclear waste that will go into this facility must be of domestic origin and the facility cannot be used to house international waste. Some have said that that was never the intention, but it is worth recalling that in this debate in this place the member for Lyons advocated that Australia should:

… offer a little patch of Australia to store nuclear waste …

because:

… taking others’ waste could be an industry in itself …

This amendment ensures that no little patch of Australia becomes toxic with foreign waste.

This proposal for Australia to accept foreign waste does in fact have a long history. The head of the World Nuclear Association has advocated it, as has Hugh Morgan. Former Prime Minister Bob Hawke peddled the idea in 2005 and again recently at the 2011 US-Australia friendship society dinner. In 2005, the minister, the member for Batman, Mr Ferguson, agreed with Bob Hawke saying:

In scientific terms Bob Hawke is right … Australia internationally could be regarded as a good place to actually bury it deep in the ground.

Former foreign minister Alexander Downer has repeatedly called for higher-level nuclear waste to be dumped in Australia, most recently in April of last year, saying that it would have enormous economic benefits. He was echoing the 3 June 2007 resolution of the Federal Council of the Liberal Party supporting the establishment of a foreign nuclear waste dump in Australia. I am pleased that, at the very least, despite the fact that this bill remains a very deficient legal framework, this Greens' amendment ensures that this will not happen.

Members may also recall that in 1998 a corporate video leaked to the media revealed the existence of an international consortium, Pangea Resources, which was secretly lobbying to establish a high-level nuclear waste dump in Australia. That company now calls itself Aris and is still lobbying to build a nuclear dump here. Savory Basin in the Pilbara was one of their chosen locations in 2003, but they also targeted South Australian and Central Australian locations. The approach taken by that consortium recognised that no form of engineered barrier could conceivably contain this thermally hot, corrosive, chemically toxic and radioactive material for tens of thousands of years. The plan was defeated but it has not gone away entirely.

Why do these voices and corporations continue to make this call and why were we pressing so hard for this amendment? Because nuclear waste has grown to the level of a real crisis for the nuclear industry. Over almost three decades, one proposal followed another to cope with the waste either stemming from the IAEA itself or from groups of governments, the EU or even private groups. All have failed on a combination of legal, political, technical and ethical factors.

The Yucca Mountain proposal is a case in point; it was aborted after US$9 billion was spent. The US now has approximately 57,700 tonnes of nuclear waste looking for a home. The alarm about Australia becoming the world's nuclear waste repository is not unfounded. It is what some on both sides of the House, current members, and former
members want. The Greens' amendment ensures that the national radioactive waste dump does not become what was envisaged by Pangaea, Mr Hawke and Mr Downer.

Mr IAN MACFARLANE (Groom) (12:12): I rise to support this legislation and, for us on this side of the House, it is very much groundhog day again. This legislation should have been passed years ago and it was due to political obstruction that it was not. The irony of today is that those proposing this bill are the ones who opposed us when we tried to pass this legislation, but I am not going to dwell on the past.

The reality is that radioactive waste is real and part of modern life. It is part of the consequence of modern medicine, and we in Australia need to be mature enough to accept that, along with saving people's lives, particularly through radiation oncology, of which I have been a fortunate recipient, we have a product to deal with. We need to deal with it in such a way that the waste is then stored in a secure, safe environment, and, were it not for the political obstruction, this facility would have been built by now and would be receiving the waste that has been generated in Australia from medical treatment, medical research and general research.

We were opposed every step of the way by people who now support this bill, and I welcome their support. I welcome the realisation that Australia has entered into a place where we can be quite proud that we can not only save lives and further mankind but we are able to store the by-product of that development.

Frightening people with lies and mistruths is not the way to advance a nation, and this debate has been riddled—and I do not accuse the government of this; I accuse others—with people who have been prepared to compromise honesty on the basis of political gain. Again, I think that is despicable. In supporting the passage of this bill I also congratulate the government on accepting the proposal from Senator Nigel Scullion that the Northern Territory receive a financial grant out of this process and that the state governments pay to have storage at this facility. The problem has partly been that state governments have opposed this process, saying, 'Not in my backyard.' But when it is in someone else's backyard they fall over themselves to gain access to the facility. It is good to see that there is justice after all.

One of the great concerns I have always had about nuclear waste is not how to store it but how not to store it. It is worthy in this debate to remind people that nuclear waste is currently stored in shipping containers in the middle of hospital car parks. If you think that is safe and if you think it has been worthwhile holding this legislation for that then you are a hypocrite and you have no real grasp on reality. Australia currently has over 4,000 cubic metres of low radiation nuclear waste and about 600 cubic metres of intermediate waste. It is about time we put it somewhere safe. I congratulate all the people involved in the passage of this bill and look forward to the finalisation of an issue that should have been finalised a decade ago.

Question agreed to.

COMMITTEES
Corporations and Financial Services Committee

Reporting Date
The DEPUTY SPEAKER (Dr Leigh) (12:16): I have received a message from the Senate informing the House of the following resolution agreed to by the Senate:

That the time for the presentation of the report of the Parliamentary Joint Committee on Corporations and Financial Services on the provisions of the Superannuation Legislation
Amendment (Trustee Obligations and Prudential Standards) Bill 2012 be extended to 19 March 2012.

**BILLS**

**Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012**

**Explanatory Memorandum**

Ms KING (Ballarat—Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing) (12:16): For the information of honourable members, I present a correction to the explanatory memorandum for the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012.

**Higher Education Support Amendment Bill (No. 1) 2012**

**Second Reading**

Debate resumed on the motion:

That this bill be now read a second time.

Ms LEY (Farrer) (12:17): I rise today to speak on the Higher Education Support Amendment Bill (No. 1) 2012. In brief, this bill will amend the Higher Education Support Act 2003 to clarify the application and operation of indexation arrangements for the student services and amenities fee, clarify courses eligible for the higher FEE-HELP limit in 2012, update the name of the Melbourne College of Divinity to MCD University of Divinity and make technical amendments to the calculation of the bonus to voluntary repayment of HECS-HELP debt.

The coalition has no concerns with three of the four items that this bill deals with. I will briefly speak about those. The bill updates the definitions of course of study in dentistry and veterinary science ensuring that only courses that satisfy the minimum academic requirements for registration as a dentist, veterinary surgeon or veterinary practitioner are eligible for the higher FEE-HELP limit. Qualifications that are achieved post the minimum required for registration will not be eligible for the higher FEE-HELP limit and this upper limit is set at $112,132 in 2012.

As members will understand, FEE-HELP assistance is payment made available to eligible students but a student who is not a Commonwealth supported student may be eligible for a FEE-HELP loan to pay tuition fees. The amount of assistance to which the student may be entitled is based on his or her tuition fees for the units. But there is a limit on the total amount of assistance that the student can receive. Under the Higher Education Support Act the FEE-HELP limit is generally $80,000. In relation to a person who is enrolled in a course of study in medicine, a course of study in dentistry or a course of study in vet science where the person is enrolled in that course it is $100,000. These amounts are indexed and the upper limit in 2012 is $112,132.

The purpose of the amending item in this bill is to amend the definitions of a course of study in dentistry and a course of study in vet science to mean a course of study which would satisfy the minimum academic requirements for registration as a dentist or a veterinary surgeon regardless of whether further study is completed before registration is sought. The explanatory memorandum to the bill states:

This will prevent a person from having access to the higher FEE-HELP limit where they choose to continue studying beyond the minimum level of study required for professional registration. A person will not have access to the higher FEE-HELP limit regardless of whether they choose to register as a dentist or a veterinarian. For example, a person who chooses not to register as a dentist after completing the minimum academic...
requirements and instead decides to go on to further study to specialise in a particular area of dentistry will not have access to the higher FEE-HELP limit beyond completing the minimum academic requirements for professional registration.

The upper limit of $112,132 applies to the minimum academic requirements but no further. Obviously, many students would go further to gain those professional registrations. The coalition has no issue with that part of the bill.

The bill includes technical amendments to the calculation of the voluntary repayment bonus to resolve current rounding issues. The bill amends the act to provide that, in the instance of a partial repayment towards a HELP debt, the amount will be rounded up to the nearest dollar. The intention is to ensure that a person making voluntary repayments is never disadvantaged as a result of rounding calculations.

The bill also updates the Higher Education Support Act to reflect the change in name and role of the Melbourne College of Divinity to the MCD University of Divinity, in accordance with the approval granted by the Victorian Registration and Qualifications Authority. This is the first university to be established in Victoria in more than two decades. They have been offered a specialised university status offering courses from diploma to doctoral level in ministry, theology and philosophy. The coalition has no concerns with this particular amendment. I come back to the part of the bill that does alarm the coalition. Once again, it concerns this Labor government's endeavours to further slug our university students, this time with a hike in the compulsory student amenities fee. We think the government has slugged Australian students enough. When the original enabling bill for the student amenities fee went through in 2010 and took effect in 2011, it allowed universities to charge a student fee of $250. But an indexation amendment has been slipped in along the way and that $250 is therefore subject to indexation every year. This bill clarifies that in 2012 it will in fact be $263. That is the maximum amount of student services and amenities fees that universities can charge. So it has gone from $250 to $263. This bill also clarifies that annual indexation will occur from 2013. The coalition's opposition to the student amenities fees is well and truly on the record. As I said, we believe that Australian students have been charged enough by this government.

I will make some comments in the context of the broader education arrangements. I know the Prime Minister is concerned about Australia losing the education race, but the Labor government's response is to increase these fees to university students and to reinforce and re-engineer compulsory student unionism. Australians everywhere are doing it tough. Families are doing it tough and that includes students, particularly those from rural areas who have not been supported with independent youth allowance in the way that the previous government supported them, in the way that rural and regional students deserve to be supported and in a way that it is in any way equitable when you consider the disadvantages faced by rural students compared to their city counterparts. As a rural member of parliament, I strongly endorse our rural universities. No, I do not think that every student in my electorate should be given the opportunity to study at Melbourne universities or Sydney universities and have all of their costs covered. I do not think that and I reject the framing of the debate in those terms, which I constantly see government members doing. But I do think that the students and the families I represent should have the opportunity to have the same
number of choices made available to them. Incredible though our rural universities are—and I know they are incredible because I have gained two qualifications from them—they do not offer everything. They do not offer every single course or discipline. Sometimes the tertiary training expertise does not reside in country areas—whether it is in vet science, which we just mentioned, though there is a fantastic vet science course at CSU in Wagga; medicine; engineering; or some of the sciences. You cannot make teachers move to those areas. The alternative is simply that our students have access to the best professional qualifications wherever they may go. We have seen stumbling and bumbling from the government over youth allowance and rural students' access to it. The minister was dragged kicking and screaming to pretty much coming back to something that we had, but not quite as good—and, gosh, there was a lot of heartache that students went through along the way. But, finally, through inquiries and representations the minister was brought back to the table to recognise these fundamental facts about equity of access for students going to rural universities. As I said, families are doing it tough and students are doing it tough. This bill is not about the independent youth allowance, but I think it was appropriate to mention it at this point.

Living costs continue to rise under this Labor government and Australians fear further rising costs as the carbon tax looms on the horizon. But Labor's response to Australians struggling with a higher cost of living is simply to slug students with more fees for the things they do not need and to take away their right to choose. That is right: as our students start to study or recommit to study, this Labor government is adding to their expenses by wanting to pass this Higher Education Support Amendment Bill, increase fees and add $263 to their expenses. That is $263 this year and then every additional year further indexation will apply.

What is the return students get for this money? They get a student newspaper, the O-week sausage sizzle, how-to-vote cards for student leadership—we do not really know. It will be up to the student unions to decide what these hard-working students, frequently juggling several jobs in addition to their studies, will or will not actually receive in exchange for their $263. Students should spend their hard earned and precious dollars on the services and goods that they want to purchase rather than on the ones that have been decided by the union. If student unionism was desired or required, surely the laws of supply and demand should apply. Yes, the coalition returned choice to student union fees in 2005 and the students around this nation breathed a sigh of relief. Since 2005, when we returned choice to student unionism, students have not had to work those extra shifts through exam weeks to earn enough simply to pay for these amorphous student services that they may or may not use, services that they may or may not benefit from. If such services were in demand, enterprising people would have, and in fact have, stepped in to provide such services on university campuses around this nation.

The coalition believe in giving every student choice. The coalition believe in giving every student access to education. Each time a fee is introduced or a fee is increased, students struggle. We seem to be the only ones who care about that struggle in this place. Future generations, future employers and future workplaces will be left short as more and more bright minds are restricted from accessing further education by the policies of this government. We thought that access to education was a right that this nation prided itself on. The Labor government is intent on widening the gap
between those who can access education and those who cannot. They produce report after report on reducing the gap but here they are, yet again, introducing another bill that simply widens the gap. This government is completely out of touch. Its policy development is clearly little more than a 10-minute brainstorming session in front of a whiteboard each and every time. Let us remind ourselves of some of the ridiculous waste under this Labor government: computers in schools, a $1.4 billion blow-out and less than half delivered; the NBN, $50 billion but no cost-benefit analysis; and who could possibly forget the Building the Education Revolution fiasco? This must truly be the only government in the history of the world who believed that building a canteen could fuel a revolution. It is really rather difficult when the so-called canteen is not even large enough to fit a pie warmer. The cost of this masterstroke by the Prime Minister was $16.2 billion, but if you ask everybody what they want from their schools for their children they will tell you that it is that their children have the best teachers who teach them in the best way and who inspire them as only good teachers can. You do not need a classroom; you can learn sitting under a tree. I am not suggesting we do that, although I do have tiny schools in the electorate of Farrer that quite often leave their one-room classroom and sit under a tree. It does bring home the point that we did not need $16.2 billion of largely wasted expenditure. I do not say that none of the infrastructure was wanted or welcome, because some of it was, but time and again the government does things with no cost-benefit analysis, no evidence base and no demonstration that what it is doing is good value for taxpayers' money.

We have had too many policy blunders under this government. This government is so overwhelmed with its own rolling series of internal crises that it fails to realise that cost-of-living pressures are genuinely overwhelming Australians. The coalition remain committed in its opposition to compulsory student unionism. We will be proposing an amendment to prevent this fee hike on students, who are already reeling from the cost of living under this Labor government.

Mr HAWKE (Mitchell) (12:31): It is a pleasure to follow the fine remarks of the member for Farrer in relation to the Higher Education Support Amendment Bill (No. 1) 2012. I really ought to thank the government as well at this juncture for its utter, ongoing incompetence in administering bills in this parliament, which has given me another opportunity to express my opposition to the compulsory levying of a fee on students for services they neither want nor need. If the government were competent, this legislation would not be before us today. But it is utterly incompetent, as we know, and so we have before us this bill that seeks to index the compulsory fee that will be charged by higher education providers.

Why are we opposed to the levying of a compulsory so-called service or amenities fee on every student in the country? Our view is that young people attending university and taking on higher studies can make their own decisions about their own capital and about the services they need. At Sydney University, for example, where there is a campus of 30,000 students—a captive market—if you cannot provide a service at a profit you ought not be in business. We do not need the government to say that a higher education provider can levy every student a fee to make a choice about what services students will or will not use. It is simply an illogical proposition.

We know that this government is ideologically wedded to the idea of
compulsory unionism. It is a backdoor way of allowing associations to receive money from higher education providers. We have seen that this $250 fee, in operation since the passage of earlier legislation, is being levied on students around the country. It is potentially $250 less for the necessities of education, such as textbooks, study materials, transport and the costs of living. Some people say that $250 is not a lot of money. As I said before in this chamber, as a young student who went to university from western Sydney, I know that $250 is a lot of money to young people. It is a lot of money to young people today. It remains a substantial sum to provide at all times.

This government has an illogical track record in relation to service fees. It says that it is going to have to means-test private health insurance and other government mechanisms, because it does not want the rich creaming off the fat of the land. That is this government's argument in relation to so many areas of public policy. But in relation to students this government is blind. If you are 18 to 25 and attend a higher education institution, you can pay. It does not matter whether you are rich or poor; it does not matter whether you have a job or you are unemployed: you will have to pay a fee. It is a completely illogical piece of public policy from this government and it has been from the beginning.

The universities of today are very mainstream, earthy places; they are not elite institutions or facilities. That is a great thing about Australia: people from all backgrounds can access university. People can study part time or full time—there are all kinds of arrangements—and that is a very good system. But the 130,000 students who study externally will never have the opportunity to use the services they are forced to pay for. If we embrace the user-pays culture, which we do in today's society, there is simply no need for this fee to be levied on all students—there is no call for it. When it was abolished by the Howard government, when the system of compulsory unionism and the compulsory levying of fees was removed, there was no outcry from young people in this country saying: 'Please, levy us a fee! Please, our services are falling apart!' Do you know what happened? Universities continued to function. In fact, they functioned the way they ought to. Students who used the services paid for them. Students who wanted access to a service sought it out and got it at a reasonable price.

But this government wanted to return to the illogical system of levying every single person. They see every student as the same. They can see the difference between a person earning $150,000 to $200,000 for private health insurance and they can see it for private education, but they cannot see it in relation to 18- to 25-year-olds. This government cannot see the difference between people struggling and working very hard in the western suburbs of Sydney, for example, where I came from and where my experience said to me it was an expensive exercise to pay that compulsory upfront fee. I struggled to find the money; I know many people who did. It was always an impediment, always a burden. It was more of a burden and an impediment because I could never understand what services it catered for, what it actually provided me. I did not access anything for it. I know many people who did not. This bill relates particularly to the government's failure to get their legislation right—an 'indexation mistake', I think it is termed in the Higher Education Legislation Amendment (Student Services and Amenities) Act 2011. While I oppose the idea of levying a compulsory so-called service fee, I also oppose the indexation of that fee. I do not believe we should be indexing this fee. It is illogical to levy the
same fee on every single student, regardless of income or ability to pay, and then say, 'Even if you don't use the services, or aren't getting value out of them, we're going to index them.' Indexation is a market concept related to the cost of delivering a service. If you index something, you are saying, 'Here's the quantifiable cost justified by the cost of the service provision going up.'

The simple fact is that this government is levying a fee on every student, through their higher education provider, without any relation to the service provided. So why should this fee be indexed? It is a big mystery. How is it that we have reached a position where the service providers cannot afford to fund the so-called services they are alleged to be providing under this retrograde legislation and have reached a point where they need to have the fee indexed? We all know the answer. There are no services provided by these bills. This is a complete and utter nonsense. This is a status measure that treats everybody the same. It says everybody can afford a flat fee, for services they do not use, regardless of whether a service is provided to a certain quality or not. It is a notion completely antithetical to our modern society.

The shame of this bill is that we are applying this to our best and brightest people, to young people, to people going to universities, to people seeking to get ahead. We have a retrograde Third World system where we are saying, 'We're going to treat you all the same and levy you the same fee, whereas, everywhere else, we are moving to means-testing and user pays.' Why would we treat our students and young people like that? It makes no sense.

We know that generation Y, which accounts for the bulk of university students at the moment, are a great generation. They have grown up with access to the internet and unprecedented freedom of thought and freedom of expression. We know that they are committed to innovation, forming their own businesses and enterprises, and doing things for themselves. When we are at a point in society where individual choice is at its maximum, why are we saying to people that they have to contribute a fee for a service regardless of whether they get a return or not? Why are we saying people are not capable of making their own individual choices? We know that, every day, these young people make individual choices about goods and services in the economy. They do so in a sustainable way related to their incomes. They are able to cope with the highly technological society we live in, which is much more advanced than any other generation in human history has dealt with. They do it well and they do it confidently. We ought to be saying: 'You guys are very, very smart people. You cope with the modern digital age. You're dealing with a range of complex issues that other generations haven't had to deal with. So you can choose whether you want to have gravy with your potato or not.'

The minister at the table raises her eyebrows at me, but these are the kinds of arguments we have heard from the Labor Party in relation to this legislation: if you get rid of a compulsory service fee, there will not be food provision on campuses. This is the absolute and utter nonsense we have heard from this government—especially the example I have given of a campus at the University of Sydney, where there are 30,000 students. If you cannot provide them with peas and gravy at a profit, you really ought not to be in business. Every single provider in this country—whether they be a food provider, a business or a news and information service—is desperate to get to university students and provide goods and services to them at cut-price rates. It is like...
any marketing principle: any business that can get to young people early and get them hooked on consuming their goods and services will be better off.

That is a great thing for young people. But, instead of embracing this culture, we have pieces of legislation like the Higher Education Support Amendment Bill (No. 1) 2012, a status measure which seeks to apply the outdated concept of a compulsory service fee. It takes away individual choice, it takes away individual liberty and it takes away the ability of a person to think and act for themselves in the economy. It is totally antithetical to the whole construct of the Australian economy and the whole purpose of our education system, which is to bring people up as well-functioning individuals who can make their own choices.

This is just a short summary of why I am opposed to this legislation. There is plenty more. I know plenty of people do not want to hear it but we have made a lot of progress in Australia today down the path of individual liberty and people thinking for themselves. Gen Y and the generations to come are the kinds of people who can do this. They do not need a law from the federal government that says: 'We'll take money off you whether you want to pay it or not. It isn't for a service or return that you'll get. We can't quantify what you're going to get but we'll take that money off you. You won't have any choice about the service that's provided and you won't necessarily get a return. And we'll index that fee because there's no relation to the cost of providing the said mythical services.'

It is a poor way to do government, it is a poor way to do legislation, and it is an insult to every student in this country today that this government is pursuing this legislation in a blindly ideological way at the expense of ordinary young people in our country. It is an absolute disgrace. I do not make that remark in this chamber very often, but the treatment of young people by this government, the insult to their ability to choose and learn and do the things they want to do themselves, is graphically represented in the provisions of this bill. To index a service with no relation to the cost of providing the service is nuts. To levy every single Australian student, without any relation to their ability to pay, without any relation to the service provided to them, is nuts. Why do we do this? There isn't any coherent explanation. This is a compulsory student unionism mechanism by stealth. That is the only logical way we can explain it—a government, dominated by union members, seeking to reimpose a compulsory fee to reignite the spark of compulsory unionism on campuses. If freedom of association is good enough for everybody else in society, if it is good enough for every other stratum, it ought to be good enough for our students. People are free to join a union on campus, and I endorse that principle even though I do not agree with it. That competitive culture is something we should not deny our universities, students and young people, and that is why I oppose the Higher Education—so called—Support Amendment Bill (No. 1) 2012 and the whole principle of indexation applied to a fee that should not exist in the first place.

Mrs ANDREWS (McPherson) (12:45): I rise today to speak on the Higher Education Support Amendment Bill (No. 1) 2012, and I congratulate the member for Mitchell on his excellent contribution to the debate. The bill before the House will increase the maximum amount that a higher education provider can charge students under the compulsory student services and amenities fee and comes as a result of the original bill passing through the parliament later than was expected. The coalition opposes these provisions, which increase the maximum amount of these fees...
from $250 to $263. The bill also changes the process of rounding HECS-HELP debt to the nearest dollar. Currently, the HECS-HELP debt that remains after a student pays part of it off is rounded up to the nearest dollar, but under the amendments it will be rounded down to the nearest dollar.

Further, changes are also to be made to the structure of FEE-HELP fees for dentistry and veterinary science students. Under the current system, the FEE-HELP amount for students studying medicine, dentistry or veterinary science is $100,000, with that amount being indexed to $112,132 in 2012. The proposed amendments will redefine what is meant by a course of study in dentistry and a course of study in veterinary science to now mean a course of study which would result in a qualification that is recognised as the minimum qualification by a governing body irrespective of whether the student has completed further studies before registration. This will ultimately result in students being able to access the higher FEE-HELP limit available for studies in these particular fields only up until they have achieved the minimum qualification for professional registration. This is different from the existing system, which allows for students to keep studying with the higher FEE-HELP limit until they seek registration.

As members of the House can see, this is not a large bill. However, its objective is quite clear: it will continue to place further cost burdens on students through its provisions regarding the government's new compulsory student unionism regime. I, like many of my colleagues on this side of the House and in the Senate, spoke out against what became the Gillard government's Higher Education Legislation Amendment (Student Services and Amenities) Act 2011 as it passed through the parliament late last year. We did this because we believe that students, like all Australians, deserve a choice. In this case, students deserve a choice as to whether they want to participate in campus life or whether they wish to opt out of extras during their university years. The then bill introduced a new compulsory payment for students, which was levied against them regardless of their income, financial standing or whether they wanted to access the services that they would be forced to pay for. The members opposite have tried to frame the coalition as ideologues in this debate. Supposedly, we decried this bill on a matter of principle. Well, yes, we did decry it on a matter of principle—the principle of common sense. Why should a student pay for a service they do not need, let alone want? Many students across Australia, such as part-time students and mature students, do not pay the extra fees for student union membership because they do not want or they do not need to access those services. So where is the logic in forcing people to buy into a system that they do not want to access at all?

There is no reason that the government should have to impose a compulsion on students to opt into student unions at all, let alone to the point that it is a required cost to receive a tertiary education. University students across the country have the opportunity to play various sports and to get involved in drama and/or participate in student politics as they go through studies. They should not, however, be forced to pay for and undertake activities which they do not want. If a person wishes to involve themselves in these extracurricular activities, that is their choice, and their choice alone. It should not be the choice of a government that is out of touch with the views and perspectives of the Australian people—in particular, students. All the act itself does is restrict a fundamental right that students have, and that is the right to choose: a right to choose whether they want to play for a
sporting team or not; a right to choose whether they want to get involved in a cultural club or not; a right to involve themselves in the management of their student union or not; a right to choose whether to engage in student life and activities or to merely concentrate on their studies alone. The government have claimed that the fee they have imposed on students is to ensure they receive a robust education at university. So does that mean any student who does not choose to utilise the student services and amenities will have any less of an education than those who did? I believe most certainly that is not the case. But this is the type of hypocrisy that the people of Australia have come to expect from the members opposite.

Student life at universities did not die away with the introduction of voluntary student unionism. What it did mean is that many societies and clubs that were a drain on student union expenditure without any real purpose closed down. Many clubs and societies that either attracted a continuous stream of users or served a function to the student body kept on going. To suggest that voluntary student unionism has contributed to the death of student life is simply untrue. I recently attended the club sign-on day at Bond University. Here students had the opportunity to come and sign up to the various cultural and sporting clubs the student body had to offer. I saw hundreds of students who were eager and enthusiastic to join up to the various extracurricular activities that provide them with a break from their rigorous study schedules. What may surprise members opposite is that all the people there wanted to be there and wanted to sign up to clubs and societies, and did so without compulsion. But not every Bond student is a member of a campus club and society. At Bond, students have a choice, and that is the important issue here.

Reintroducing compulsory student unionism only shows that this government has no regard for the costs that many students have to deal with on a daily basis. Students have to pay for accommodation, food, transport, health needs and other sundry costs as they come up. They cannot afford to have more costs imposed on them, nor should they have to. We need to ensure that students are able to afford the necessities they need to study and to live comfortably enough so that they have a good quality of life. This helps students focus better, leading them to be much more productive students and members of the community.

I would also like to quickly take the opportunity to foreshadow an issue that some higher education institutions may face in the future, especially one of the institutions in my electorate. Growth across the overall higher education sector between 2007 and 2012 has increased by 27 per cent or 116,000 places. This is a positive result, and shows that our higher education industry is going strong. Further analysis needs to be done to review the impact of the removal of caps on university places to ensure that places are being properly allocated based on future workforce needs. This is essential work if we are to ensure that we are training and producing graduates in disciplines where there is a projected future employment need.

In closing my contribution to the debate today, I reaffirm my opposition to the provisions which increase the maximum amount of student services and amenities fees. Students cannot afford higher costs of living, and this will do just that.

**Wyatt Roy** (Longman) (12:55): In this country we enjoy many liberties and have extensive freedom in our lives. We enjoy access to many education institutions, including internationally respected universities. Yet sections of this bill, the
Higher Education Support Amendment Bill (No. 1) 2012, threaten some of the liberties that Australian students enjoy. The reduction of these liberties has wide-reaching implications for the future of our society and our nation.

Australia's future and its future success lies in its ability to adapt to the changing conditions of its economy. We are well aware that as a nation we face significant challenges over the coming decades. As time marches on we will be confronted with the challenge of an ageing nation as well as the challenges associated with the economy restructuring post the mining boom. As I have said in this place before, it is our obligation and it is our responsibility, as legislators, to ensure that we are prepared and resourced to face these challenges head on, to tackle them effectively and ensure our future financial security.

One of the planks which will form the structural foundation of our future economy is higher education. Education and innovative research will be absolutely critical to achieving higher productivity, better efficiency and new industry. Research and education will help enable this country to have a high-productivity economy, affluent with opportunity, an economy where individuals are empowered to be employed in innovative industries and earn higher real wages.

I have spoken in this place before about the recommendations of the Bradley Review of Australian Higher Education and the implications that these recommendations would have on Australia. The Bradley review recommended a goal of 40 per cent of young Australians holding bachelor's degrees by 2020—perhaps a grand goal, but a country such as ours needs grand goals. If we are to genuinely restructure our economy post the mining boom to focus on innovation and research, this is a goal that needs to become a reality.

But how can we encourage more students to achieve tertiary education, I ask? I propose that it is not by increasing the amount a higher education provider can charge under the compulsory student services and amenities fees. I propose that what this bill is trying to achieve by raising compulsory student union fees will have the opposite effect for students. It will make higher education less affordable, and it will make it less viable for many young Australians around our country to attend university. Ultimately, this move threatens Australia's chances of achieving the Bradley review's goal of 40 per cent of young Australians holding bachelor's degrees by 2020. This country is striving to achieve that goal. It is a strange move for those opposite to work to undermine that goal rather than to support it.

There are many barriers to entry to university around Australia. In some cases a barrier can be the sheer distance to travel to access a university campus. In other cases it can be the cost of relocating to a metropolitan centre to study. Another can be the difficulty of studying full time and trying to earn enough money to pay the bills. If we want our young people to attend university—indeed, if we want to encourage them to partake of the many opportunities available at a tertiary level—as policy makers we need to be doing everything we can to make the transition to university and time at university as practical and affordable as possible.

Nowhere is this evidenced more than in my own electorate. My community is one where the majority of young people have not gone on to training or higher education. In terms of university participation, my electorate of Longman is ranked 144th out of 150 electorates. Every day I speak to people...
in my community who share with me stories of struggle—struggle to pay their bills, to put fuel in the car and to put groceries on the table. This struggle has been made significantly worse by this Labor government. People are telling me that they cannot afford more costs. This struggle is not confined to families—young people have the same concerns. How then can we expect Australians to fork out even more money for their studies when they are already finding it difficult to make ends meet? It is difficult to quantify what impacts this will have on my community. How many young people will choose not to attend university simply for the fact that they feel they cannot make their money stretch far enough to get by on their limited funds while they study full or part time? But we can be guaranteed that there will be young people who choose not to attend for this very reason. If this bill, and the resulting higher student union fees that it causes, forces one person to choose not to equip themselves with the tools of a university degree for this reason, it is one person too many.

My community is host to one university campus, the Queensland University of Technology. The Caboolture campus of QUT, headed by Robert Craig, is a great community asset which has significantly invested in the future of our community through some important community engagement measures and which perfectly illustrates some of the difficulties that young people in my electorate experience in simply making the choice to attend university. Mr Craig highlights that one of the biggest hurdles is actually an aspirational one, convincing young people that they could and should attend university. That it is a possibility and that it is not too big a hurdle to jump are the keys to helping young people from my region overcome their background to go on to success at a tertiary level. But how can we possibly inspire our young people and help them to aspire to university when the perceived hurdle of financial costs in attending university are only set to increase under this bill? I suggest that this goes against exactly the thing we are trying to achieve in our community. I suggest that it works to undermine the unsteady and wavering aspirational goals of students that we are trying to build up.

Another issue that this raises is the way this bill enforces university students to pay for so-called services that they may neither want nor need through their time at university. We on this side of the House have a long history in support of individual freedom of choice to be voluntarily a part of a government organisation or association. We on this side of the House have long been advocates of voluntary student unionism at universities. It is clear that these actions are simply another example of a government trying to underhandedly go about reducing the freedoms of students and young people alike by introducing or reintroducing compulsory student unionism. The most powerful argument against this stealth attack on voluntary student unionism is the views of the students themselves.

We have a very strange situation here. We have a Labor government which truly believes that the majority of university students would be better served by seeing up to $263 of their money—money that could buy 50 beers, 175 litres of petrol or 40 pizzas—go to student politicians instead. How out of touch has this Labor government become? If the Labor Party cannot understand a student choosing to keep nearly $300 of their own money instead of giving it to a student politician, let us talk in statistics so that the Labor Party might actually understand. And the statistics do speak for themselves. Only five per cent of university students ever vote in student elections and
the majority, a massive 59 per cent of students, indicated they were against compulsory university student fees in a poll commissioned by the Australian Democrats.

Why should students be subsidising student politicians' duplications of services through fees which they cannot afford, do not want and, for many young people, are a deterrent to entering into study at all? The answer is simple: they should not be subsiding these services and they should not be forced into forking out even more money, their own money, when they are at their least financially stable.

Recently I was contacted by one of my constituents, Wes Draper, who commutes to Brisbane to attend the University of Queensland. This young man, a conscientious physiotherapy student, contacted me to express his concerns over the reintroduction of compulsory student unionism. In his message to me, Wes said:

I have recently found out that I alone will be paying $131 at the start of this semester to pay for services that I do not use. This may seem like a small amount, but I fail to understand how it is fair that so many students will be paying this fee even though we don't all use these services. Many of these services, such as food and drink, are paid for by us anyway. I would also like to point out that a friend of mine who studies two degrees is required to pay this fee twice. How is that justified? Is that not "double dipping"?

Wes is just one of many young people who have contacted me to express their disgust over these fees. It is the concerns raised by Wes and many others like him that are the basis for which I do not support the move to increase the amount of money that universities can take from students.

As policy makers in this place, the responsibility rests upon our shoulders to prepare Australia for the significant national challenges that our country will face in the coming years. We are well aware that part of this will include education and innovation in our industries. To achieve this, higher education will be a priority. Ensuring that enough of our young people are educated and contributing to research will be integral. How do we achieve this? We achieve this by encouraging, not hindering. The best way that we as policy makers can make an impact and support our young people on this front is to ensure that costs associated with study do not increase, but this is exactly what this bill seeks to do. It seeks to empower universities to collect even more money from students who cannot afford extra money. It empowers student unions to force the subsidisation of their activities at the expense of students.

As policy makers in this place it is up to us to ensure that we have a society based on opportunity and on fair reward for hard work, where individuals are empowered and offered a hand-up rather than a handout, and where we as a nation can have hope that tomorrow will be better than today. A vibrant and inclusive higher education sector will be a key plank in achieving this. It is in this society that an individual's freedom to choose must be protected. It is this individual liberty that is directly under attack in this bill. It is this individual liberty that is under direct attack by this Labor government's student tax. On this side of the House, we will always stand up for Australians' individual liberty and for their freedoms.

Mr EWEN JONES (Herbert) (13:07): I rise to speak on the Higher Education Support Amendment Bill (No. 1) 2012. This bill makes a number of small changes related to higher education. The first of these is to change the name of the Melbourne College of Divinity to the MCD University of Divinity, where the university is referred to in the Higher Education Support Amendment Act. So it is deep and meaningful stuff that we are doing here.
The bill also allows for the rounding down of university students’ HECS-HELP debt to the nearest dollar. The current system of rounding the debt up has resulted in many students making bulk payments off their debt thinking they have paid off their loan in full when they are actually left with $1 to pay. The last minor amendment is the introduction of increased restrictions on the subjects that qualify for a HECS-HELP loan in the fields of dentistry and veterinary science. This is needed to ensure that these loans are only available for the standard based dentistry or veterinary science bachelor degrees and not for the advanced courses in these fields, which are also available. I have no problems with these small changes.

The bill however also corrects a mistake made in the Higher Education Legislation Amendment (Student Services and Amenities) Act 2011 to allow this government to throw back to compulsory student unionism—the student amenities fee, to be indexed and increased to $263 for 2012. I oppose inflicting this fee on Townsville students and I strongly oppose the intent of this bill to make it hurt even more. Townsville is a university town. We have the main campus of James Cook University with over 9,000 full-time on-campus students as well as many thousands more, up to 25,000 students, studying part time and externally.

As a regional university servicing not just Townsville but all of North Queensland, James Cook University attracts a diverse student population from rural young people leaving college to local high school graduates to mature age students returning to study mid career, many of them whilst trying to juggle a career or raise a family. For these reasons, the opportunity for external study, particularly given the accessibility that technology now allows, is also very appealing to a lot of students. This broad range of backgrounds and commitments inevitably means a varied need and demand for services and facilities between students.

This straightforward reality is completely ignored by this Labor government. It now seeks every student to have to pay for amenities regardless of their use of the facilities or whether or not they even have access to them. This government likes to talk about fairness but I do not see how fair it is that an external student or a student who does not spend much time on campus should pay for facilities that they do not use, effectively subsidising the students who do choose to use them. If a university or student association provides good services that cater for what those students want then there is no reason that those who do use them would also not pay to do so. The average student already struggles with the cost of living, with most students finding it difficult to balance many work hours with study. They are simply not in a financial position to have a government throw an extra annual $263 fee for them to pay. To top it off, when they finish university with tens of thousands of dollars in debt to pay off, that is quickly earning interest, they must pay the fee before they even start earning an income.

It is a disgusting attitude for this government to think that it is okay to charge students a fee for services they do not even use, because many will put it on their HECS-HELP loan. These income-contingent loans provide us with a good and fair higher education system that helps make university accessible to as many people as possible. But that does not mean that it is free and that it does not cost any extra. When you put drinks on a bar tab it might seem like a good idea at the time but you still have to front up and pay for them at the end of the night, unless you are very swift and run the risk. While some students can put this fee on HECS, at
the end of the day they still have to front up and pay for it when they begin working, plus the interest that has accrued along the way.

I have already had concerned JCU students come to me angry about this. They tell me it is already tough enough to make ends meet without paying for facilities that they simply do not use. They are busy enough with study, work and, for many, a family. They do not even have time to play sport or to be involved in campus based organisations. Others are not interested in using these facilities. They are happy spending their spare time off campus.

At James Cook University we also have a renowned school of medicine and other health related courses such as physiotherapy. These are courses that involve extensive placements and with the university's focus on tailoring education to regional service delivery a placement does not just include going to an office down the road for a few weeks. It involves going to another town and being based there for several weeks, if not months, at a time. These students wonder why they still have to pay the same fee as everyone else when they are not even in the same city or have the same campus facilities for large parts of the year.

The majority of Townsville students would fit into these groups. They study externally or they do not have time for extracurricular activities, or they do not want to spend more time on campus than they have to, or their placements take them to an entirely different city. That is the modern university experience and this new fee is yet another sign of just how out of touch this government is with higher education. Last year it snuck through the amenities fee when everyone's attention was on the carbon tax. I would not support it then and I will definitely not support this legislation that uses indexation to increase to an even greater cost. I know that it is not going to the student union director. I know that the university itself is collecting it. For those reasons I have had very quick discussions with the Vice-Chancellor of James Cook University, Professor Sandra Harding, and said that it is the students who are coming to me who say that it is simply not fair. They say to me that they should have the option. I was rung by the mother of two boys. She is a single parent living in Kirwan, which is one of the nice suburbs in Townsville. Both of the boys live at home and work part time to help make ends meet. She has a weekly grocery bill of $300 and she has just received an electricity bill of $900—electricity is going through the roof. They do not have a pool and the boys do not sleep in air-conditioning, as that would be a very expensive way to live. She is wondering: 'What's next? What else can they pile on?' Her rates are coming and she is wondering what else can be piled on to make things more and more expensive. She was very close to tears while she was talking to me about just how hard it is to make ends meet. The boys go to university, they do their one subject or they do their two lectures and then they come home. They study at home and then they go to work. They are not hanging round the rec club, they are not going to see bands and they are not doing anything at the university—they are going to work. That is a common story.

I have two daughters at university, one in Townsville and one in Brisbane. They are both members of the student union. When my wife went to university, she was a member of the student union—because she chose to be and because she wanted to be. My kids also want to be members. They want to be involved and they want to avail themselves of the services. So they feel that it is money well spent and I support them in their decision. But it is just not acceptable, in today's day and age, to make a student
services and amenities fee compulsory for the modern university student—who does not go immediately from school to spending four years at university living in a dorm, playing up all weekend, playing rugby for the university and so on. It does not happen like that. The modern university student has a job, the modern university student is flat out and the modern university student is working weekends and working nights. They do not have time to avail themselves of these facilities, plus they want better facilities anyway. If they want to avail themselves of a good service, they will go out and pay for it themselves.

JCU students in Townsville are not happy with this whole system of having to pay these upfront fees. In reaction to that and because this government has so far ignored them, I have started a petition calling for the abolition of this unfair fee. Those students who do not think that they should have to subsidise someone else’s extracurricular activities can go onto my Facebook page and sign the petition to finally have their voice heard.

At a press event we did to highlight this issue, a young man, the son of an electrician, said the one good thing about this whole issue was that it was bringing things to a head—that there are so many people out there who do want the choice. There are people out there who want to pay for these services and they should be allowed to pay for them. The universities should be allowed to ask them to pay. But, if you do not want to pay a fee for these things, you should not have to. Ask people to pay cash to use a service—do whatever you like. But do not slam these people with up to $263 a year when they cannot afford it.

I have no problems with most of the changes that this bill proposes to make but I will not support legislation that makes university students at James Cook University pay for facilities that they do not use. The university experience of today is vastly different from what it used to be and students should not be slabbed with a compulsory fee just because their campus has not provided services that students want to use and are willing to pay for. I urge all students, particularly those in Townsville, who do not think this is fair to join me in telling that to this out-of-touch government.

We need to provide as good a start as we can for every university student. We have to hope that, by providing them with a good basis for their education, they will be rewarded for effort and will be given every opportunity to succeed. But, if we are continually putting anchors out the back of them and slowing them down then, as the member for Longman said, we are going to get to the stage where people are going to choose not to go—simply because they have to tag this money for so long. It does become an issue. It is only $263, which for us in here is probably not that much money. But when you are a student trying to do these things or when you are a single mum with two boys trying to make ends meet, however, it is money. It is cold hard cash that you have to account for. It is money that you have to be sure you are getting a positive result for. They are getting no result for this.

Make students pay for these services as they go. Make the people that use the services pay. Make them pay as they go in. Make them put a dollar coin in a bucket. Make them do anything, but do not make it compulsory for people who are struggling—people with grown-up kids going back to study or external students. Do not make them have to pay for free drinks for somebody else. It is just wrong. The government should have a real good look at itself and bring this thing down.
Mr TUDGE (Aston) (13:19): This year students went back to university to discover that a condition of continuing their studies was a compulsory student services and amenities fee of up to $263. They did not have to pay that fee last year because it was voluntary, as it was for the six years before that. This is the only fee that students must pay upfront and they are forced to pay it if they want to continue and complete their university degree. This is a disgrace. It should be immediately removed and this bill, which perpetuates this fee, should be rejected.

The issue we are debating in this bill is, in essence, whether or not students should be forced to pay a student services fee or a student representation fee. This battle has been waged now for almost two decades. For two decades, we on this side of the chamber have been arguing passionately that students should have the right and the responsibility to choose for themselves whether or not they want to pay for certain amenities, services and representation on campus. For two decades, the Labor Party on the other side of the chamber has been arguing vigorously that students must not have that choice but must be compelled to pay an upfront fee as a condition of doing their studies. This bill before us perpetuates Labor's desire to cement compulsory student unionism into the university landscape across Australia. Not only that, but this bill now allows the student services and amenities fee to go up to $263.

This bill gives an indication of the priorities of this government. We have thousands of jobs being lost on a weekly basis. We have underemployment at a 10-year high. We have boats continuing to arrive on a weekly basis. We have the immigration system in tatters. We have preschools closing and childcare fees skyrocketing and becoming unaffordable. But this government does not address those things. It uses a full morning of parliament to introduce a measure to raise compulsory fees from $250 to $263. So important is that extra $13 it wants out of every single university student across the country that this becomes a priority of today's morning session of the parliament. Apparently, jobs can wait. Apparently, cost-of-living pressures can wait. Apparently, the boats can keep arriving. But, jeez, we have got to get that 13 bucks out of those students. We cannot wait another 12 months for that $13 per student to automatically come into being.

We are so opposed to compulsory student unionism for the simple reason that we believe that students themselves should have the choice of whether or not they pay for student services and for student representation. It is a pretty simple proposition. University students are all adults. They are all above 18 years of age. They all have the maturity and the wisdom to decide for themselves which university to go to, what courses they want to study and how hard they want to study—or whether they want to study at all. They are adults, and they have that right and that responsibility. The Labor Party, and this Labor government, is happy for them to have those choices; but no, no, no, they are not allowed to have the choice of whether or not to pay for an event which is being held on campus; they do not have the right to determine whether or not they want to subsidise the catering which they may not use; and they do not have the right, and apparently they do not have the capacity or the responsibility, to determine whether or not they want any form of representation on campus. This is insulting to the 1½ million students who attend tertiary institutions. On this side of the House we firmly believe that students should have that choice, and that is the reason we are so strongly against compulsory student
unionism. They should be able to decide for themselves what they want to spend their money on.

This principle is so important in the context of the changing demographics at our universities. The member for paradise, the member for Herbert, made the point that students these days are working hard. Many are part-time students and so they are not hanging around on campus as they might have done 20 or 30 years ago. Nearly all students these days have part-time jobs to get through university. We know that 130,000 students are external students and so never set foot on a university campus. They never have the opportunity to avail themselves of the services and amenities which this compulsory levy would provide, but they also have to pay an upfront fee. How does that work? They do not set foot on the campus because they are studying externally, yet the government forces these students to pay a compulsory levy for services which they will never benefit from. This government needs to answer these fundamental questions because they go to the heart of this bill and to the heart of compulsory student unionism, which this government reintroduced six years after student unionism was made voluntary.

Like the member for Herbert, I have had dozens of students make representations to me that they are outraged that they have to pay a compulsory fee when they do not use those services. Let me read out comments from two or three such people. David Jancik, for example, who lives in Ferntree Gully in my electorate, writes:

I have to pay an extra $263 per year. That is this year. He attends Monash University. He writes:

Basic car parking permit last year was $360, justified due to a lack of student amenities fees. Yet this year, with the amenities fees, the parking permit is still $360. Apart from parking, I have never used union services and now have to pay $263 for nothing.

Stephen, who is from Rowville, writes:

My daughter went berserk when she got hers … She doesn't use the services AND she is doing honours and only needs to be at Uni for a few weeks this year had to pay a full Semester in 'amenity' fees … She is Not Happy …

Frankie, another student from my electorate, says:

$55 per trimester and as a part-time post-grad student and I will be using zero of their services as the majority of my tuition is online or out of standard business hours (i.e. when they're closed).

There are tens, if not hundreds, of thousands of people who are in exactly the same position. They are barely on the university campus or they are only on the university campus to attend their tutorials or lectures and then go home to attend to their children, or study, or attend sporting clubs; yet this government is forcing them to pay fees for services they do not want.

Often the argument in favour of a compulsory fee is that it pays for essential services which more needy students need to complete their university degrees. I do not deny the fact that some services are necessary, but I put to you, Madam Deputy Speaker, that those services which students and younger people generally need—particularly those who are more disadvantaged—are not the services provided by the university campuses but often the services provided by governments or NGOs. It might be Centrelink, for example; it might be Legal Aid; it might be Lifeline; it might be the Salvation Army, if the students are in particular financial trouble, or Anglicare. These are services that exist already. They are already paid for by the taxpayer. They are already funded by the government or by donations collected by the Salvation Army or Anglicare. I think that
argument, which is frequently put forward, is a furphy.

The second argument which is often put is that amenities and services fees are only for particular services and do not go at all to paying for political representation on campus. I know that the legislation itself expressly says that. I know that the regulations say that the money which is collected on a compulsory basis cannot be used for political representation. But we on this side of the House know that this is exceptionally hard to police. We know that inevitably some of the funds leak over into political representation so that it not only becomes a compulsory fee for services but in essence becomes compulsory unionism, something which we very firmly reject.

The final simple point I would make in relation to this bill and in relation to the issue of compulsory student unionism is this. When you have services which are run by individuals, businesses or companies that have to deliver to their customers in order to attract revenue, then those services will be much more responsive to the needs of their customers than what a service would be if it were guaranteed its funding through a compulsory levy. That is a very simple proposition and it goes to the heart of what we on this side of the House believe about fundamental liberal economics and the fundamental value of the free market. You get more responsiveness to students or to any other customers when a free market is at play, when businesses have to compete, when they have to deeply understand what the students want and what they need and tailor their services accordingly. You get far better responsiveness and far better tailoring to what students actually want and need than if those businesses or universities are simply given a bucket of money. Because that bucket of money has been collected on a compulsory basis, those services can become lazy and less responsive to student demand over time.

This bill is an important one. It is important not just because of the issues which we have been discussing and what this bill entails in regard to perpetuating compulsory student unionism. It is also important because it stands as a clear illustration of the stark philosophical divide between the coalition on this side of the House and the Labor Party on the other side of the House. We on this side of the House very much favour freedom of choice. We very strongly favour individual responsibility. We very strongly believe the free market delivers better outcomes to customers and students. They are our core philosophical beliefs and they are represented by our advocacy against compulsory student unionism. On the other side of the House, the contrast is that they favour compulsion. They have an innate mistrust of the market delivering for people. They do not favour giving students the individual responsibility and individual dignity to be able to make a choice of their own. This is an important bill. It is an important bill to be debated, but it is one that should be very firmly rejected. When we get back into government, hopefully at the next election, we will once again be abolishing compulsory student unionism.

Mr CHRISTENSEN (Dawson) (13:34): In rising to address this bill, the Higher Education Support Amendment Bill (No. 1) 2012, I would like to focus as others have done on one particular schedule—schedule 1, items 1 to 9—and the amendments relating to the indexation of student services fees. The bill follows a previous amendment that has already come before us and passed the parliament, is already in operation and is already hurting Australian students. We knew that the previous amendment would hurt Australian students before it was passed.
because, like so many other bills that come before us, it was a traditional Labor-inspired attack on freedom. The Higher Education Legislation Amendment (Student Services and Amenities) Bill 2010 was delayed passage through this place until 2011. As a consequence, we are told now have a problem with the indexation of student services fees.

The original amendment allowed higher education providers to charge students an annual, capped, compulsory student services and amenities fee of $250 plus indexation from 1 January 2011. Due to the delayed introduction of that bill, we now have another amendment bill before us to clarify the indexation rates and revise the maximum fee allowed to be charged. The maximum fee to be charged of students will rise from $250 to $263 with this bill. So the question is: why are we bothering to go to all the trouble of creating this amendment and pushing it through parliament for the sake of $13? I would suggest that it is because every dollar counts. Every dollar counts when it comes to the penny pinching of Labor and the unions, including student unions.

I said before that this was a Labor-inspired bill because it was an attack on freedom. The very last thing that a Labor government wants to see is somebody having a say in how they spend their own money. On that basis, Labor are sure to make sure that every dollar counts. It is in their DNA to make sure that every single dollar that they can possibly lay their hands on is extracted out of private individuals' pockets so that they can spend it somewhere else and say: 'Look at us. Aren't we nice? We are providing the people'—in this case, the student unions—with something that is half as good as what could be provided and at twice the price. And here is the best bit: we are doing it all with your own money.' That is why every dollar counts when it comes to this government. Every dollar they can extract from an individual through taxes, fees, levies or whatever they want to call them is one more dollar that can be used inefficiently. The theft of individual freedom—that genetic predisposition to taxing and wasting on the other side—is what we see in this compulsory student services and amenities fee. Because it is compulsory, students do not have a choice in this. They do not have a choice in how their money is spent. They must be fleeced of $263 every year, basically to be a part of a student union. Let us not mince words here. This so-called student services and amenities fee is nothing more than a student union fee. It used to be called the student union fee, but now we have a student services fee because we do not want to make it obvious that we once had compulsory student unionism and that we are now going back to it and are going to be indoctrinating students into the student union movement so that they can go on and become compulsory lifelong supporters of and donors to the Labor Party.

If it is a pig, call it a pig. Do not put lipstick on it and call it Katie. If it looks like a pig, grunts like a pig and smells like a pig, let's just call it a pig. And this pig does smell. The smell is already wafting around university campuses across the country. We witnessed earlier this month what compulsory unionism does to university students when students from James Cook University in Townsville, in the electorate of my good friend the member for Herbert, voiced their disgust at being forced to pay for services they were not accessing. In the Townsville Bulletin on 8 March we had university student Rebecca Mottin saying that students were already struggling and that this tax was a 'useless' expense.

And that is right: students are struggling. Here is a news flash for the Labor Party: students are not rich. For students, as well,
every dollar counts. Why are we bothering with creating legislation and pushing it through parliament for the sake of $13, when universities are already slugging students for that extra $13 anyway? That is quite serious. The same *Townsville Bulletin* article says that James Cook University students have until the end of this month to pay $263. Those bills are out there now, and this legislation is supposedly enacting that. There is no waiting to clarify how the indexation works for students, who now have to find money before the end of the month to pay that bill. To a student, $250—the original amount in the last bill—is alone a huge impost. To a student, that extra $13 can make all the difference. As I said, to a student every dollar counts; $13 means a student can feed himself for a day—or, given the penchant some students have for Maggi noodles, perhaps for a week!

If members in this place do not believe that it makes a difference to a student, they will be hard-pressed to explain how it is going to make a difference to a student union. We are told that these fees are going to be used in addition to the advocacy the student union provides—for services like sports clubs, accommodation support, infrastructure and campus amenities. All of those sound a lot like things universities should be providing as a matter of course. Let us not forget that students are already paying fees for their education. They are paying for textbooks and all their living expenses—rent, fuel, groceries, electricity, phone and internet—but they have a very limited income. This new tax on students—which is what it is—makes them pay for a sporting club or for a facility on campus whether they use it or not, and whether they are an internal student or a distance education student living thousands of kilometres away from the campus.

A third-year business student at James Cook University, Drew Alexion, says the compulsory student union fee is an ‘unrealistic cost for students’. He says:

I can't imagine it is going to provide me with any real benefit and it is incredibly unfair for external students who will probably never use the amenities and for me as a come-and-go student.

So on one hand we have students being indoctrinated with this compulsory unionism and acceptance of the old tax-and-waste regime of Labor, and on the other hand we have students learning a valuable lesson about the loss of freedom.

I asked students in my electorate what they thought about the fact that this is a compulsory fee, and the feedback was pretty convincing: compulsory student unionism or compulsory fees, especially for students, is a disgrace. Jessica Harris, who is going to CQ University in Mackay, said it is very difficult. This is what she told me: 'First of all, most of the scholarships that everyone offers here are for engineering or environmental studies. I'm doing education. And yes, I know that I will not be earning big money or working at the mines, but we're still worth helping out. By investing in teachers you're investing in children. This new student union fee is ridiculous. Not only do we have to pay for textbooks—and mine were $475 for a 12-week unit—or have to pay $500 to $800 per subject, but now we have to pay an extra $130 a half-year for the student association to do the exact job that they were doing beforehand.' That is a very good point. This is what another student, Brittany Power in Mackay, had to say: 'For uni students in Mackay, who have no other option than to complete their course through external subjects, what benefits do these amenity fees give? There are already enough expenses related to university.' She listed some. There are subject fees, textbooks and technology—all the courses require
computers, and the internet. There are travel costs to residential schools, classes and placements. There are also the ramifications of the time restrictions with regard to paid work—this coming from a student who is studying full-time and has three part-time jobs. There is equipment required in the course of her studies and fieldwork, and costs relating to preclinical requirements, including a police check, blue card, immunisations and first aid and CPR courses. A student incurs all this. Brittany asks one simple question: 'How can the government justify adding to this list of expenses for students?'

So students are quickly learning the difference between Labor government policies and the policies of the Liberal-Nationals coalition. That is probably the one good thing that has come out of this—that they will learn a lesson about Labor. In light of the Gillard Labor government's performance, one of taxing and wasting on a gargantuan scale, students are learning how valuable economic freedom is—the freedom to have your own dollar and spend it in the most efficient way, as they did before the last bill was introduced—and how that freedom has evaporated. And it will evaporate even more with the passage of this bill, because once that dollar gets into the hands of a Labor government or their mates in the student unions there will be little or no benefit coming back to the actual student, and every student knows that every dollar counts.

This week Labor will vote for an extra 13 of those dollars—263 student dollars, to be taken out of their pockets and put into someone else's hand. We on this side will not stand for it. We will support students' retention of their own money and the defeat of this bill.

The DEPUTY SPEAKER (Hon. BC Scott): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour. The member for Dawson will have leave to continue speaking when the debate is resumed.

STATEMENTS BY MEMBERS

Australia Day Awards

Mr HOCKEY (North Sydney) (13:45): Every Australia Day local councils in my electorate acknowledge the good work and achievements of individuals who give their time for the benefit of others. This year my cousin, William Anschau, was awarded the Hunters Hill Council's Young Citizen of the Year Award.

William was educated at Hunters Hill Public School and St Joseph's College. His impressive list of achievements and his long record of volunteering make him an example of someone who has used his own talents to make a difference in our community. William was an active volunteer whilst at St Joseph's College, spending five years helping disabled children at the annual Marist children's holiday camp. Since leaving school, he has continued his voluntary work, including as a bus assistant for the Ryde-Hunters Hill Community Transport Service, and helping out with the Hunters Hill Community Centre and the Meals on Wheels organisation. He is also an active member of the Hunters Hill SES and is well known for his volunteer work at local events, including the Moocooboola Festival.

William has said that everyone should look to help others. He is right. Although he has had some of his own health challenges, these have never stopped him from making a difference in society. He is an optimistic and positive young man who is an excellent example to all young people on the benefits of service. It is his actions that make the
Hunters Hill community a better place for all, and he is well deserving of this award.

Makin Electorate: Valley View Tennis Club

Mr ZAPPIA (Makin) (13:46): Last Saturday I attended the formal opening of the resurfaced Valley View Tennis Club courts in the Makin electorate. It was a significant event for the tennis club not only because of the importance of the upgrade to the club's future but also because the upgrade was the culmination of over four years oflobbying and hard work by the tennis club members to prevent the club from closing down.

The club, which has served the community for over 40 years, had previously been earmarked for closure by the Salisbury council because of the poor condition of the courts. Ultimately, the determination of club members prevailed and, through the collective efforts of Salisbury council, the state government and club members' fundraising activities, around $200,000 was raised, enabling the resurfacing of all courts plus some general upgrading to the car park and general surrounds. The club's efforts also resulted in a considerable increase in club membership and the club now hosts 10 junior teams.

I take this opportunity to acknowledge the efforts of Jim and Sophia Zissopoulos, club president, Garry Oaten, and all the committee and club members for their determination and hard work in securing the future of the Valley View Tennis Club. In so doing they have ensured that an important recreational asset continues to be available to the local community and that the 250-plus members of the club have a home base and the opportunity to continue to play competition tennis.

Education

Mr TUDGE (Aston) (13:48): One reason for the decline in the number of students studying maths and science is a paucity of maths and science teachers. So it is a great concern to learn that stifling bureaucracy is preventing some truly outstanding graduates from teaching maths and science. Let me give you three examples. Firstly, Justin Wooley. He has a Bachelor of Engineering (Aerospace Engineering) from RMIT, having received an ENTER score of 97. He graduated with high distinction and has been designing aircraft for two years, but he is prohibited from teaching maths and science.

My second example is a student who did a Bachelor of Engineering (Mechanical Engineering) at UWA. He was the Engineering Student Society President, and a maths and science tutor at the university, but has been told that he is prohibited from teaching maths and science at school. My final example, and my best one, is that of a Fulbright scholar who completed a PhD at Yale University in econometrics. He was approved to teach legal studies and humanities in school, but not maths.

These people are not just proficient in maths, they are masters at it. They want to teach maths, their principals want them to teach maths, but the clipboard holders say they are not qualified. It is bureaucracy on steroids. If the government is serious about maths and science teacher shortages, it should fix this madness immediately.

Sikh Community in Australia

Mr JENKINS (Scullin) (13:50): Mr Deputy Speaker Scott, I would like to wish you and all those in the chamber a happy new year. You might ask: why is he saying, 'Happy New Year'? Today is the new year under the Nanakshahi Sikh calendar. For the 30,000 or so Sikhs in Australia this is a very special day—Chet 1 under their calendar. It
is the start of the Nanakshahi year 544. The calendar begins with the birth of Guru Nanak Dev, the founder of Sikhism, who was born back in the Common Era calendar of 1469.

Sikhs in Australia have made a wonderful contribution because of the way in which they have sought—beyond tolerance—acceptance of diverse views. That is all they ask. They see that it is very important that we accept those who have different views to achieve harmony. They are a community that first had people come to Australia in the late 1800s and they did not meet with any tolerance or any acceptance. They are an indicator of the way in which Australia has embraced people of diverse backgrounds. To all the Sikhs in Australia, I wish them: Happy New Year. I hope that it is a peaceful new year and that they have every success in their lives in Australia.

Berowra Electorate: Community Service

Mr RUDDOCK (Berowra) (13:51): I rise for the first time in these 90-second statements to congratulate two remarkable constituents of mine in the electorate of Berowra. Kerrie and Sean McArdle, who are not related to me I might add, do a great deal of work for charities and they educate the community about mental illness. Following my call for people to send packages to our soldiers serving overseas—and I know that was a call echoed by many other members of this House—Kerrie and Sean swung into action and started work canvassing local businesses and putting together parcels for our troops. The community got behind them and they managed to package and post off an amazing 270 parcels. This was a remarkable effort on their part. It was physically exhausting but I know they found it exhilarating. I can only imagine the reactions of our troops to their efforts when they received these gifts. As we approach Anzac Day, I encourage everybody to reflect on those who are serving our needs in that way. I say to Sean and Kerrie: thank you for getting behind our troops and putting together these parcels. I ask others to emulate their example.

Sudan

Mr BANDT (Melbourne) (13:52): On 18 January 2011, following the Sudanese referendum, the then Minister for Foreign Affairs stated:

Australia will continue to work with the international community to assist the people of Sudan, north and south, to achieve an enduring peace.

On 8 January this year, there were reported mass killings in South Sudan. The UN undertook an emergency operation to help those affected by ongoing violence. On 31 January, UN Chief Ban Ki-moon said:

The situation in Sudan and South Sudan has reached a critical point. It has become a major threat to peace and security across the region.

On behalf of the South Sudanese and Sudanese Australians and refugees in my electorate of Melbourne, I want to draw the attention of the new Minister for Foreign Affairs to the ongoing violence and killings
in South Sudan and request an ongoing commitment to assist the people of Sudan to achieve peace.

**Boree Creek: Floods**

Ms LEY (Farrer) (13:54): The town of Boree Creek might ring a bell with some of my colleagues as the home town of the former member for Farrer Tim Fischer. This small village also provides an example of the flooding emergency so many of my communities faced on the weekend before last, which is why I ask this government to do more, by providing emergency financial assistance through an Australian Government Disaster Recovery Payment. This is the $1,000 Centrelink payment which can be made at the discretion of the Commonwealth in the event of a major disaster having a significant impact on individuals. Three hundred millimetres of rain saw 21 of Boree Creek's 25 homes flooded by up to a metre and a half of water. With the SES's attention turned elsewhere, the Rural Fire Service captain took charge, safely moving all of the town's 75 residents to his family farmhouse on higher land. There they stayed for the next 48 hours until it was clear to begin the massive clean-up, which is still going on.

Any way you look at this, it is a major disaster. I am going to Boree Creek on Saturday for a fundraising barbecue at the local Rural Fire Service. We really thank that captain, Col Richens, for his actions the other night, but I am wondering what to tell the people when I meet them and they ask me, 'What is the federal government actually going to do to assist us?' I am hoping that before week's end the Attorney-General will have given me the answer. *(Time expired)*

**Walk in Her Shoes Campaign**

Mrs D’ATH (Petrie) (13:55): I rise today to talk about the commitment I have made as a woman, mother, and elected representative to do what I can to help women and children around the globe pull themselves out of poverty. I am not traditionally a morning walker and, as we all know, the parliamentary sitting day can often be long enough without adding a 6 o'clock start on a cool morning to the mix, but in these last few days I have been making a trek to work for CARE Australia’s Walk in Her Shoes campaign. It is worth my walking around Parliament House each morning if it makes even the smallest difference in the lives of women and girls around the world.

It is day 3 of CARE Australia’s Walk in Her Shoes campaign, in which I must walk at least 10,000 steps each day, Monday to Sunday, this week. I have clocked up over 30,358 steps to date, and 8,882 of those happened today by 1.30 pm. As a working woman and mother in Australia, I understand how lucky we are to live in a country that values education for women, equal rights before the law, rights to marry as we choose and increasing pay equity. I also understand how lucky we are in this country to be free to live and learn and work as we please, most of us without the chains of poverty keeping us from fulfilling our potential. I want to acknowledge the great work of CARE Australia in assisting so many people across the world. Last year it assisted 122 million people with 1,015 poverty-fighting projects. I am very proud to be part of one of these campaigns.

**Clean Up Australia Day**

**Alzheimer’s Australia**

Mrs GRIGGS (Solomon) (13:57): Clean Up Australia Day was last Sunday, and I along with lots of family and friends went along to the Esplanade to do our little bit to clean up. Around 40 volunteers joined me to clean up, and they included the local Girl Guides. We picked up 40 bags of rubbish, which was interesting, because the Darwin
City Council had already been there before us. Some of the items we found included shopping trolleys, a mobile phone, a golf club and lots of bags of hidden alcohol. That was interesting, seeing as it is an alcohol-free environment. Anyway, it was great and everyone really enjoyed themselves and we made a real difference.

On a different note, I had the pleasure of meeting the Alzheimer's Australia president, Ita Buttrose. Ita was in Darwin to meet other Alzheimer's champions and advocates at an afternoon tea that was put on by Alzheimer's Australia NT. Sadly, around 2,700 Territorians live with dementia. As I have already said in this House, Indigenous people are five times more likely than other people to contract Alzheimer's. Ita said that it is really important that we raise awareness of this disease in the community, because the disease often goes undetected. As an Alzheimer's Australia NT champion, it is my goal to make a difference and educate my electorate about the science, symptoms, treatment and support available. (Time expired)

Japan Natural Disasters

Ms PARKE (Fremantle) (13:59): I would like to take this opportunity to remember the earthquake and tsunami that struck Japan on 11 March last year, killing around 19,000 people and creating a nuclear emergency and ongoing radiation problems at Fukushima and surrounding areas. Many towns and facilities have yet to be rebuilt and many thousands of Japanese people remain displaced and unemployed. It is therefore right that Australia, and especially Western Australia, which has a history of exchange and cooperation with Japan stretching back more than a hundred years, do what we can to assist in the rebuilding effort.

After the tsunami, my Japanese friend Aki sent his wife, Hideko, and young son, Eijyu, to stay with my family, including my Japanese-speaking sister and her husband, and with other friends, in Perth for a month, and he joined them for a week during that time. Upon leaving, Aki and Hideko conveyed to us their fear of what they were returning to as well as their determination to be part of the rebuilding of Japan. Quiet determination, courage and resilience have been a feature of the Japanese response to this tragedy. At the time of this sad anniversary, our thoughts are with Australia's longstanding friends, the people of Japan.

The SPEAKER: Order! In accordance with standing order 43, the time for members' statements has concluded.

MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (14:00): I table for the information of the House a revised ministry list reflecting the appointment of Senator Bob Carr to the ministry on 13 March 2012.

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<th>Title</th>
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<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
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<td>Minister for Social Inclusion</td>
<td>The Hon Mark Butler MP</td>
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<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
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SECOND GILLARD MINISTRY

13 March 2011

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<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
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<td>Minister for Tertiary Education, Skills, Science and Research (Leader of the Government in the Senate)</td>
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<td>Minister for Infrastructure and Transport (Leader of the House)</td>
<td>The Hon Anthony Albanese MP</td>
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<td>Attorney-General</td>
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<td>Minister for Queensland Floods Recovery</td>
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<td><strong>Minister for Sustainability, Environment, Water, Population and Communities</strong> (Vice-President of the Executive Council)</td>
<td>The Hon Tony Burke MP</td>
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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 Veterans’ Affairs in the Defence portfolio. The title of a department does not necessarily reflect the title of a minister in all cases.
Ms GILLARD: Yesterday I informed the House that the Minister for Resources and Energy and Minister for Tourism would be absent from question time this week as he is attending the 13th International Energy Forum in Kuwait. The Minister for Trade and Competitiveness will answer questions on his behalf for the remainder of his absence.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:00): My question is to the Prime Minister. I remind her of Oxford Cold Storage, a business in her electorate that I visited recently which employs over 400 people. Even on the government’s own modelling, Oxford Cold Storage will pay an extra $300,000 a year on their electricity bill, and that is just for starters, thanks to her carbon tax. Will the Prime Minister guarantee to those 400 workers in Lalor that not one single job will be lost because of her toxic carbon tax?

Ms GILLARD (Lalor—Prime Minister) (14:01): I would say to those workers and that business in my electorate, as I would say to workers and businesses around the nation: we need to act on climate change, we need to reduce carbon pollution and we should do that in the most efficient way possible because that is best for business and therefore for jobs. That is why the government has acted in the most efficient way possible, with a market mechanism—that is, we have taken the same approach that the Leader of the Opposition took when he went to the 2007 election under the leadership of John Howard.

Since then of course the opposition has trashed Liberal Party tradition and repudiated any link with markets. That is why, as we stand here today, we are able to say the choice facing those workers in my electorate is whether or not the nation has a market based mechanism, whether we have a carbon price starting at $23 a tonne of carbon pollution, or whether we endorse the Leader of the Opposition’s plan—an inefficient scheme which would have an effective price of $62 a tonne. I ask the Leader of the Opposition to contemplate how job destroying that approach of $62 a tonne would be. I say to the Leader of the Opposition, too, that I do hope when he had the conversation in my electorate with those workers he explained to them that his scheme relies on charging each of them, each family represented in that business, $1,300 a year. I hope he explained that as well. Perhaps, if he ever chooses to visit that place again, when he next goes he should say to them that he does not want them to get a company tax cut, that he is going to make sure in this parliament he votes against that business getting a tax cut, that he is going to exercise his choice in the parliament to stand up for billionaires—

The SPEAKER: The Prime Minister will return to the question.

Ms GILLARD: The Prime Minister will return to the question.

Ms GILLARD: rather than the working people in that business.

Business

Mr NEUMANN (Blair) (14:03): My question is to the Prime Minister. How is the government building the future Australian economy by delivering tax cuts, especially for small businesses? When it comes to supporting the nation’s small businesses, what is the choice before the parliament today?

Ms GILLARD (Lalor—Prime Minister) (14:04): I thank the member for his question. Every time I have visited his electorate we have had the opportunity to talk to a wide range of people, whether they be SES volunteers or people who work for the local council or local ministers. But we
have also spoken to a large number of businesspeople in his electorate. The member understands, as I understand and as the government understands, that right around the nation there are Australians working hard to build their own small businesses and that for many working people their highest aspiration is to own and operate their own small business. So I was very pleased today to be able to announce that the government will create a small business commissioner.

Small businesses, unlike bigger businesses, do not have the resources to engage with government. They find it more difficult to get the information that they need, because they simply do not have the time; they are so focused on their business. This Small Business Commissioner will be a one-stop shop for advice and information for small businesses and will be a persistent advocate within government for approaches that will be good for small business. It is a measure which stands alongside having a minister for small business at the cabinet table so that those 2.7 million small businesses around the nation which employ half of the Australians employed in our nation today and are worth a third of our economic activity can be represented in the way that they should be.

I am also very pleased and proud to report to the House that we on this side of the parliament stand for a tax cut for small businesses and a tax cut for all businesses. We stand for reducing the company tax rate for small businesses on 1 July this year. We stand for ensuring that they can have an instant asset write-off of $6,500 so that they can buy new capital for their business and it can be tax effective for them. We stand too for making sure that they can buy motor vehicles for their business and have a $5,000 benefit.

Mr Hockey: You are so pro-business! You are so pro-business over there!

The SPEAKER: Order! The honourable member for North Sydney will remain silent for the balance of this answer.

Ms GILLARD: It has become clear today that those on that side of the parliament stand against all of these measures. The Leader of the Opposition said today that he will vote against tax cuts for all businesses in this nation. It is heresy to what the Liberal Party has always believed in to vote against tax cuts for businesses.

Mr Pyne: Mr Speaker, I rise on a point of order. With great respect, while this relentless negativity might impress the backbench, the Prime Minister—

The SPEAKER: The Manager of Opposition Business will get to his point.

Mr Pyne: The Prime Minister was not asked about the opposition's policies.

The SPEAKER: The Prime Minister was in fact asked in a form of words that did entitle her to go down the path she is currently going down. She has 18 seconds left. She will conclude as quickly as possible.

Ms GILLARD: I will summarise the choice. The choice is to share the mining boom and benefit business or to betray businesses and benefit billionaires. We know where the Leader of the Opposition stands: for the billionaires and for the betrayal of businesses and working people around our nation. (Time expired)

DISTINGUISHED VISITORS

The SPEAKER (14:07): I welcome and acknowledge in our visitors gallery today a group of 140 aged-care workers, nurses, family carers and valued middle-aged Australians who are visiting our Parliament House. You are very welcome.

Honourable members: Hear, Hear!
QUESTIONS WITHOUT NOTICE

Employment

Mr BILLSON (Dunkley) (14:08): My question is to the Prime Minister. I remind the Prime Minister of job losses at Murray Goulburn, Mars, SPC, Heinz and National Foods in Victoria. I also remind the Prime Minister of comments this week from her Minister for Small Business, who, when asked to comment on the rising jobs crisis in the manufacturing industry, said, 'What jobs crisis?' Does the Prime Minister agree with her minister's comments, or is this just another case of her government dismissing job losses as mere growing pains?

Ms GILLARD (Lalor—Prime Minister) (14:08): To the member who asked the question: I understand that he is deeply embarrassed today because the coalition has marched away from Australian businesses—marched away from small businesses and marched away from Australian businesses.

The SPEAKER: The Prime Minister will answer the question.

Ms GILLARD: They stand today for the betrayal of Australian businesses, and I suspect he is embarrassed by that.

On the question that the member asked me: there is nothing that drives this government more than ensuring that Australian people have the benefits of work and the dignity of work. That is why we worked so hard during the global financial crisis, against the relentless negativity of the opposition, to support jobs. We did not want to see hundreds of thousands of Australians thrown on the scrap heap. We did not want to see young people who came of age during those economic circumstances losing the opportunity for an apprenticeship and a start in the world of work. So we supported jobs; the opposition did not. We continue to support jobs and the opposition does not. That is the track record in this parliament. That track record has been added to today by the betrayal by the opposition of businesses, because, as they betray businesses on this tax cut, they are betraying working people as well.

Mr Dutton: Answer the question!

The SPEAKER: The Prime Minister will answer the question.

Ms GILLARD: I am asked about jobs, Mr Speaker. Consequently I am responding to the important policies that the government has to support businesses, to support economic growth and to support jobs. The OECD says that, in terms of major tax bases, company income tax has the largest adverse effect on economic growth. If you are against cutting company tax, you are against economic growth. If you are against economic growth, then you are against jobs. And, if you are against economic growth and jobs, then you are also against increasing wages—those increasing wages which come with the benefits of economic growth.

The KPMG modelling that was done at the time of the Henry tax review indicated that real wages would be around half a percentage point higher than otherwise in the long run with a one per cent company tax cut.

Mr Billson: Mr Speaker, on a point of order: perhaps you could ask the Prime Minister to answer the question.

The SPEAKER: The Prime Minister has 41 seconds left.

Ms GILLARD: I was asked very broadly about jobs and I am saying that the government stands for jobs and it stands for high-skilled, high-wage jobs. In providing a one per cent company tax cut, what we will see, as has been modelled, is around $330 a year for an average employee as a wage rise. That is because of the benefits of extra
economic growth. So what we have today is the government standing for jobs, and the opposition opposed to jobs; us standing for a reduction to company tax, and the opposition refusing to reduce company tax; and us standing up for small business as the opposition runs away from them. *(Time expired)*

**Mining**

Ms SMYTH (La Trobe) (14:12): My question is to the Treasurer. Will the Treasurer outline for the House the importance of putting in place the right policies to spread the benefits of the mining boom to all corners of the economy?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:12): I thank the member for La Trobe for this very important question. As we saw last week, the Australian economy continues to grow, and this is despite the turbulence we have seen particularly in Europe. We do have a very big investment pipeline in this country. Capital expenditure figures that were out last week showed that business is planning to invest a staggering $164 billion this year, and that is set to increase to $173 billion next year, which is a 28 per cent increase on the estimate last year.

Much of this investment is in resources. We understand that not everybody in our economy is in the fast lane of the resources boom and that there are many companies, particularly small businesses, that are not in that fast lane. That is why we must have the minerals resource rent tax and why we must use the stream of revenue from that tax to give some incentive and some extra lift, particularly to our struggling small businesses that are not in the fast lane of the mining boom. That is why we have brought this legislation out for public consultation and why we will be bringing this legislation to the House for passage through this House and through the Senate—because this will deliver a tax break for hundreds of thousands of small businesses in this country.

What does the Leader of the Opposition have to say about all of this? He says no. He says: 'No, I can't support that. No way could I support that sort of sensible legislation.' Why does he say no? Why is he constantly saying no? Because he believes that Gina Rinehart and Clive Palmer should get a tax cut, not struggling Australian small businesses, so shame on the Leader of the Opposition.

**The SPEAKER:** The Treasurer will return to the specifics of the question.

Mr SWAN: The party of Menzies, supposedly the party of small business, is opposing in this House tax cuts to 2.7 million small businesses in terms of the instant asset write-off and this very important legislation which will come to the House. So I challenge all of those opposite to support this legislation in the House because it is vital to economic growth in this country. That is why we on this side of the House are so committed to tax reform which taxes the superprofits of the most profitable companies in the country and spreads it to every postcode across the country. That is what it does as—

Mr Randall: Mr Speaker, I rise on a point of order. Is it relevant for the Treasurer to have such a morbid fascination with Gina Rinehart?

**The SPEAKER:** The honourable member for Canning will remove himself from the chamber under the provisions of standing order of 94(a).

The member for Canning then left the chamber.

Mr SWAN: It is a very important issue because the Leader of the Opposition wants to write an 11-figure cheque to Gina
Rinehart and others like her. That is why this is such an important element of public policy. We on this side of the House want to spread the opportunity right around our country.

Opposition members interjecting—

Mr Pyne: Scumbag!

The SPEAKER: The honourable member for Sturt will remove himself from the chamber under the provisions of standing order 94(a). I specifically heard him use the word 'scumbag'. Before he goes he will go to the dispatch box and withdraw that term.

Mr Pyne: Mr Speaker, I withdraw and I apologise for describing the Treasurer as a scumbag.

The member for Sturt then left the chamber.

Ms SMYTH (La Trobe) (14:16): Mr Speaker, I ask a supplementary question.

Opposition members interjecting—

The SPEAKER: The honourable member for La Trobe will pause. The honourable member for Mitchell will remove himself under the provisions of standing order 94(a).

The member for Mitchell then left the chamber.

The SPEAKER: The honourable member for La Trobe again has the call for her supplementary question.

Ms SMYTH: Thank you, Mr Speaker. The Treasurer spoke particularly about the government's works for small business and I wonder if he could update the House with some more detail about what small businesses and working people in my electorate and communities like mine can get from this.

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:16): We want to see all businesses in the country benefit from the mining boom. We want to see the opportunities that are created spread right around our country. In the electorate of La Trobe the instant asset write-off will benefit 17,600 small businesses. But, of course, there will be a very significant boost to the superannuation savings of workers right around Australia and in La Trobe that will benefit 53,000 workers, because it is important to boost our national savings at a time of such large investment in our economy. It is also prudent to lift our national investment and at the same time lift the quality of life of people who are saving for their retirement. The other thing that we want to do is invest in critical infrastructure particularly in the mining region. So that is why we are backing the instant asset write-off, which will be particularly good for those that are wanting to buy a car: they can write off the first $5,000 of that. That will be very good for all those people that are driving utes. But also what we need to do is boost the superannuation savings of workers. If we are to successfully do all this we must bring our budget back to surplus because growth is coming back to trend. But we know why those opposite are opposing these cuts, because they have got a $70 billion hole in their budget bottom line. That is why they are saying, 'No, no, no.'

Member for Dobell

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:18): My question is to the minister for workplace relations. I remind the minister that both the New South Wales and Victoria police have sought the cooperation of Fair Work Australia in their investigations of the Health Services Union. Given the gravity of these allegations and the fact that the Fair Work Australia investigation is now in its fourth year, will he act under section 655(2) of the Fair Work Act to direct the President of Fair
Work Australia to cooperate with the police investigations?

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (14:19): I would like to thank the deputy opposition leader for her question and remind her that tens of thousands of people in her electorate are going to get more super if we get our laws through. In detail as to her specific question, Fair Work Australia is independent. It is independent and the investigation is independent. We have repeatedly said up hill and down dale that we will neither interfere in the investigation nor pre-empt the findings. The desire of the opposition to have us interfere—

Honourable members interjecting—

The SPEAKER: The minister will pause for a moment. The House will listen to the minister in silence.

Mr SHORTEN: Indeed it has been confirmed by Fair Work Australia, at a Senate estimates committee, that there has been no political interference. Of course, agencies should always cooperate. Where this is possible and permitted by applicable legislation they should, and I have sought advice from my department about what in the Fair Work Act might impact upon Fair Work Australia's advice and the advice confirms that this is entirely a matter for the general manager to consider and weigh up in exercising her functions, because it is independent. Now where do her powers stem from? They stem from the current Fair Work Act.

Opposition members interjecting—

Mr SHORTEN: Yes, that is right: it was our act. But we took into our act directly the sections which cover this matter—

Opposition members interjecting—

The SPEAKER: The minister will pause. The honourable member for Mayo will remove himself from the chamber under the provisions of standing order 94(a). I have directed from the chair that the minister will be heard in silence for the duration of his answer.

The member for Mayo then left the chamber.

Mr SHORTEN: So, having confirmed that Fair Work Australia is independent and that the investigation is independent, I have been asked about sections of the legislation. The sections of the legislation which govern this investigation are, of course, in the Fair Work Act. But what the House may not be aware of is that these parts of the Fair Work Act were taken exactly from the previous legislation, the Workplace Relations Act.

Mrs Bronwyn Bishop interjecting—

The SPEAKER: The honourable member for Mackellar will remove herself under the provisions of standing order 94(a). She interjected after I said the House will listen to the minister in silence.

The member for Mackellar then left the chamber.

Mr SHORTEN: So the sections which currently govern these actions were lifted from the Workplace Relations Act. What members of the House may not be aware of, when they complain about the sections of the act and about the government, is who actually introduced and drafted the sections which the general manager now functions under. Let me tell you, you do not have to look far to find out who drafted these sections. You do not need to be in a guessing game in 2002; it was Tony Abbott, the then minister for industrial relations.

The SPEAKER: The minister will resume his seat. The Deputy Leader of the Opposition?
Ms Julie Bishop: Mr Speaker, the question was about the President of Fair Work Australia, not the general manager, and section 655(2) specifically; he has not addressed that.

The SPEAKER: The minister will direct his attention to the question. The minister has the call and he will be directly relevant.

Mr Shorten: In fact, what the Deputy Leader of the Opposition missed—I do not know why that is the case, but I am happy to help here—is section 583 of the Fair Work Act. Again, yes.

Mr Hockey: No, no.

Mr Shorten: That is all they can yell out: 'No.'

The SPEAKER: The honourable member for North Sydney will remove himself from the chamber under the provisions of standing order 94(a).

The member for North Sydney then left the chamber.

Mr Shorten: They do not like the truth when they are about to hear it, and they know what is coming, don't they—yes, they do. The president is not subject to direction on behalf of the Commonwealth.

Opposition members interjecting—

The SPEAKER: To whom is the question directed?

Mr Shorten: My question is to the Prime Minister.

The SPEAKER: Would the member now repeat his question.

Mr Shorten: Eighty per cent of Australians believe that terminally ill people—

Ms Gillard (Lalor—Prime Minister) (14:24): I thank the member for Melbourne for his question and understand that he is asking it on behalf of others who have raised this issue outside the House. The issue of euthanasia is clearly one where people have personal and deeply held views. Whenever the matter has come before the parliament it has been dealt with as a conscience vote, and I believe that that is appropriate. It is the sort of question on which community members from different walks of life will have different views. It is not something that breaks down, if you like, against the political...
spectrum. It is quite a different kind of issue than that.

It is not the intention of the Australian government to bring to the parliament any legislation dealing with voluntary euthanasia. Of course, in the parliament, parliamentarians as individuals have their rights, and if someone wanted to bring such a proposition as a private member’s bill, that is possible, but the Australian government has no intention of bringing such a bill to the parliament.

We do have a very key focus on supporting people as they move towards the end of their life. One of the things that enliven the debate about euthanasia is people's fears and concerns about how they would be treated when they were at the end stage of life. I think many people in this parliament, through community links, through their own family, through having aged parents and relatives, have probably had to confront some of these questions in their own life. The quality of palliative care, the quality of care that we offer our older Australians, is very important to families, to older Australians and to the nation overall.

The approach that the government has taken is that we are determined to have a quality national palliative care system. We are working with states and territories on that through the 2010 National Palliative Care Strategy—Supporting Australians to Live Well at the End of Life. We are involved in a very important reform discussion about aged care. I know that in the gallery today there are a number of people who have come to parliament to raise with parliamentarians issues on behalf of older Australians. The minister, Mark Butler, has been making an important contribution, leading that conversation around the nation, and at the appropriate point the government will respond to what we have learned in those discussions.

The SPEAKER: I now give the call to the honourable member for Robertson.

Mr Bandt: Mr Speaker, a supplementary question—

The SPEAKER: I am sorry; I do apologise to the honourable member for Melbourne. I did not see him and I did give the call to the honourable member for Robertson. To be consistent, I have to give her the call. I apologise to the honourable member. The member for Robertson has the call.

Small Business

Ms O’NEILL (Robertson) (14:27): My question is to the Minister for Housing, Minister for Homelessness and Minister for Small Business. Will the minister outline how the government will assist small business as part of its plans to spread the benefits of the mining boom across the economy?

Mr BRENDAN O’CONNOR (Gorton—Minister for Housing, Minister for Homelessness and Minister for Small Business) (14:28): I thank the member for Robertson for her question. She has a long association with small business; indeed she and her husband, Paul, run a small business in her own community.

Today the Prime Minister announced a very important decision in the creation of the Office of the Small Business Commissioner. This is a very important decision that was welcomed of course by Peter Strong, the Executive Director of COSBOA, who was in attendance at Parliament House today. Unfortunately, I was unable to attend because the opposition chose to prevent me from attending by not pairing—a rather petty decision, I would have thought—but that was
more an insult to the small business community than to me as minister.

In relation to this decision, the Office of the Small Business Commissioner plays a very important role. The first time this position was created at the state level was by a Victorian Labor government in 2004. This is the first time it has been determined at a federal level. It provides support for small business. It will provide referrals for other government services, including dispute resolution. It will allow small business to make representations to that commissioner and direct to me. This is a very important role to provide independent advice and sourcing advice from the small business community and I think it has been well received by that very important constituency.

Of course, that comes off the back of the announcement by the Prime Minister to elevate this portfolio to cabinet. I think this is a very important decision. It is the first time that small business has been in a federal government cabinet for more than 10 years. It does speak volumes about the priorities this government has to provide support for this very important constituency. During the global financial crisis we made some very important decisions to stimulate the economy to ensure we could provide support for thousands upon thousands of small businesses. That was the right thing to do, and we look to do more by providing support for small businesses across the country as we provide all sorts of opportunities, including the $6,500 instant asset tax write-off for small businesses, the $5,000 write-off for business vehicles and a reduction in the company tax rate from 30 per cent to 29 per cent for incorporated companies.

These are important initiatives to create the environment for small businesses in this country to do very well. It is a constituency that employs almost five million Australians. What is going to stop that, of course, is the actions of the opposition leader who is choosing to oppose those tax cuts to small businesses.

The SPEAKER: Order! The minister will return to the question he is supposed to be answering.

Mr BRENDAN O'CONNOR: It is a crying shame that there may be some concerns in relation to that decision. It would be the first time I have ever witnessed a Liberal Party leader opposing cuts to small businesses.

The SPEAKER: The minister will resume his seat. I call the honourable member for Robertson on a supplementary question.

Ms O'NEILL (Robertson) (14:31): My supplementary question to the Minister for Small Business is: how will the government's actions benefit small businesses in my electorate of Robertson on the Central Coast?

An opposition member: Have you ever run a small business?

Mr BRENDAN O'CONNOR (Gorton—Minister for Housing, Minister for Homelessness and Minister for Small Business) (14:31): In response to the interjection, I did fill out a business activity statement under the Howard government. I was not too big a business back then, but I did fill out that BAS.

The SPEAKER: The minister will answer the supplementary question.

Mr BRENDAN O'CONNOR: I thank the member for Robertson for her question. Of course, she has small businesses in her community, and this is a very important question. There are 9,300 small businesses in the electorate of Robertson who want some support from their government. Our job is not to intrude upon small business but to
enable the circumstances in which we provide support to them. How do we do that? We do that by providing tax relief in the form of the instant asset tax write-off of up to $6,500. We do that by cutting the company tax rate from 30 per cent to 29 per cent.

Mr Van Manen interjecting—

The SPEAKER: The honourable member for Forde will remain silent.

Mr BRENDAN O’CONNOR: These decisions that the Gillard government are enacting will ensure that we distribute the mineral wealth of this country to the millions and millions of businesses that deserve our help. Those businesses employ nearly five million Australians. It is a very important decision and will affect thousands of people in the electorate of Robertson. We will continue to advocate on behalf of small business as the Leader of the Opposition continues to oppose tax cuts for small business. (Time expired)

Ms GILLARD (Lalor—Prime Minister) (14:33): The member raises a serious question. Many people in New South Wales, and indeed around the country, are concerned about illegal firearms. I understand that community members feel like all too often they see reported on their TV screens drive-by shootings or other violent incidents involving a firearm or bikie related crime. That does worry people about community safety, so this is an important issue. I am not in a position to confirm details about a specific firearm, but what I can say to the member is that this is a question we are taking seriously. When it comes to the illegal firearms market in Australia, how we have illegal weapons in our community, there are a few issues that need to be addressed. One is referred to by the Federal Police as the grey market.

Mr Morrison: Mr Speaker, a point of order on direct relevance: my question was very specific as to whether the Prime Minister knew whether that component of that firearm had been involved in a drive-by shooting. If she does not know, she should simply say she that and offer to come back to the House with an answer after consulting with her colleagues. I did not ask for any other commentary.

The SPEAKER: The Prime Minister will answer the specifics of the question.

Ms GILLARD: On the specifics of the question, I have indicated to the member I am not in a position to verify facts about an individual component, but I assume that the member was motivated to ask this question because he is seriously interested in the issue of illegal firearms in the community, so I will take the opportunity to talk about that serious issue. If I am shouted down by the opposition when talking about illegal firearms and community safety, then so be it.
On the question of illegal firearms and community safety, the problems in the community have more than one source. One source of them is what is referred to as the grey market, which arose from the failure to return all appropriate categories of firearms under the gun buyback scheme. We have received advice from the Federal Police about the nature of the grey market and it is something that law enforcement officers obviously are concerned about and work on to deal with firearms that have gone into illegal use in the community from that market. Then, as a federal government, we must do everything we can to make sure that we protect the community from importation of firearms and, as a federal government, we are very focused on that. The relevant minister has been dealing with this issue. It was raised by Premier O'Farrell with me some time ago. I referred him to the appropriate intergovernmental committee to deal with this issue and we are very keen to work in a genuine and cooperative partnership with our state colleagues on this question, which is of clear community concern.

Small Businesses

Mr PERRETT (Moreton) (14:37): My question is to the Assistant Treasurer and Minister Assisting for Deregulation. Why is the government determined to give our nation's small businesses a tax break as part of our plan to spread the benefits of the mining boom? What would be the impact of not providing this vital assistance to small business?

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:38): I thank the member for Moreton for his question. I know that he is a tireless advocate on behalf of the 19,000 small businesses in his community and I know he is also looking forward to coming into this place shortly and voting in support of tax breaks for those small businesses. Only a Labor government is prepared to manage the economy in the interests of working families. We are a government that sees out there in community, across the economy, that we have a multispeed economy. Whilst parts of our economy are going very strongly, there are other parts that are not doing it quite as well. There are many sectors of our economy that are doing it tough and we want to make sure that we spread the benefits of the mining boom so that small businesses—those businesses that are working in manufacturing, tourism and retail—have some of the benefits of this boom so that they can do what small businesses do so effectively—that is, create jobs and generate wealth for this country.

I am asked about the impact of not providing this vital assistance to small business. Obviously, if these small businesses and businesses that are likely to receive a tax cut under our proposal do not receive that assistance, they will continue to be weighed down by taxation at its current levels. We want to liberate them from existing levels of taxation by cutting taxes. By lowering taxes, we can help build a stronger economy for the future.

That is especially why I was surprised to hear the member for North Sydney, when asked yesterday whether or not the opposition would support these tax cuts, say 'no'. He did not just say no once, or twice, he went on to say no five times. This negativity is going to kill small business. This negativity is irresponsible and will harm small businesses right around this country. We want to give a tax break to small businesses all around this country. We want to give a tax break to the 33,000 small businesses in the electorate of Brisbane, even if the member for Brisbane says no. We want to give a tax break to the 17,000 small
businesses in the electorate of Macquarie, even if the member for Macquarie says no. We want to give a tax break to the 17,000 small businesses in the electorate of Dunkley, even if the member for Dunkley says no.

It is absolutely essential at a time when so many businesses and companies across our economy are doing it tough that we provide them with the tax relief that they need. If those opposite are not going to stand up for small business, the Gillard government will.

Customs

Mr MATHESON (Macarthur) (14:41): My question is to the Prime Minister. I refer the Prime Minister to the statement by the New South Wales Police Force today that 140 ammunition clips for hand guns had been imported into New South Wales and that 160 to 220 illegal hand guns remain in the community. Can the Prime Minister confirm that while New South Wales police began their investigation in December last year, Customs and Border Protection were not involved until February this year?

Ms GILLARD (Lalor—Prime Minister) (14:41): On the question of illegal firearms, I addressed in my earlier answer that there is more than one source of illegal firearms and that there is a substantial problem with the grey market in firearms that have been in Australia for some time and have moved from being in legal circulation to now being in illegal circulation. That is of concern. Clearly, if there is any importation of illegal firearms or ammunition for firearms, that is of concern too.

On collaboration between state and federal governments, we want to take a partnership approach with the state government. On collaboration between the New South Wales Police Force and federal government agencies, I am happy to make specific inquiries following the member's question but as a general proposition there is very good liaison between state policing services and the Australian Federal Police. That has been my experience; I am sure it has been the experience of members generally when they have seen police forces go about their work.

To the member who is clearly concerned about this matter, I assure him I do not see any politics in this. I see a general sense of concern in the community about illegal firearms. I see police concerned about the question and around the nation I see governments who are prepared to work together on this issue and work together in a collaborative way. I have indicated that to the Premier of New South Wales. I know the relevant minister has been indicating that to his ministerial colleagues as well.

Clearly, illegal weaponry is a difficult problem. Our society can probably pride itself that we do not have some of the dimensions of illegal gun problems that countries overseas have. The Howard government was to be commended on its gun legislation but we are always—

Mr Morrison: On a point of order, Mr Speaker: I raise the issue of direct relevance. The Prime Minister was asked whether she was aware of a particular fact and that was whether the Customs and Border Protection Service had not become involved until February—

The SPEAKER: The member for Cook will resume his seat. The Prime Minister will return to the substance of the question. I think she said that she was going to make inquiries for the honourable member. The Prime Minister will be directly relevant.

Ms GILLARD: My point was simply that these matters have been dealt with on a bipartisan basis. I hope that is going to continue, but, given the performance of the
member for Cook in parliament today, I doubt it very much. *(Time expired)*

**Budget**

**Mr KELVIN THOMSON** (Wills) (14:45): My question is to the Minister for Employment and Workplace Relations and Minister for Financial Services and Superannuation. Will the minister outline the importance of spreading the benefits of the mining boom through a boost to superannuation and tax cuts. What support is there for these important reforms?

**Mr SHORTEN** (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (14:45): I thank the member for Wills for his question. He knows that over 40,000 of his voters will see an increase in superannuation when the increase from nine per cent to 12 per cent passes the Senate. He also knows that Australia cannot rely on the mining boom forever, that the mining boom is only part of Australia’s economy and that there are a lot of businesses doing it hard. We know that we need to spread the benefits of the mining boom throughout the whole of Australia. We understand that one way to spread the benefits of the mining boom is to decrease the corporate tax rate from 30 per cent to 29 per cent. We know that 720,000 small businesses stand to benefit as soon as we do that. As Australia is buffeted by economic events overseas, we understand that lowering corporate tax assists the creation of jobs. What can be more important in this country than the creation of jobs?

I was also asked about superannuation and how that spreads the benefits of the mining boom. Did you know that over 4 million people living in Liberal and National Party electorates stand to get an increase in their superannuation—even if their representatives will not vote for it? In fact, if we get these reforms through, we will also be able to cut the concessional tax for 3.6 million Australians who earn less than $37,000 a year. Instead of paying 15 per cent tax on their superannuation, they will pay nothing at all. Incidentally, we intend to abolish age discrimination so that you can receive superannuation at any age.

I was also asked how much support there is for spreading the benefits of the mining boom and improving superannuation. There is a lot of support. One area where there is support is from industry funds. Industry funds, as most people—except those opposite—know, have equal employee and employer representation. I was terribly disappointed to see reported in today’s newspapers that the Leader of the Opposition had attacked industry funds as some sort of gravy train. I was disappointed because Master Builders Australia appoints directors to industry funds, as do the National Retailers Association, VECCI, Business SA, the NFF and the CCIQ—what did these organisations ever do to be maligned, attacked and defamed by the Leader of the Opposition and his caucus room? All they want is greater superannuation.

**Mr Andrews:** On a point of order, Mr Speaker: I put it to you that this is no longer directly relevant.

**The SPEAKER:** It was a wide-ranging question, but the minister has certainly pushed the limits of that wide range. The minister will be entirely specific for the balance of his answer.

**Mr SHORTEN:** When we talk about reactions to improved superannuation, it is not just about the good work done by industry funds and their reactions. Surely John Brogden of the Financial Services Council cannot be attacked by those opposite? Surely there must be some people immune from being maligned by the
opposition? John Brogden, a former Liberal leader in New South Wales, said:

Millions more Australians will have a better retirement if the superannuation guarantee goes to 12 per cent.

You cannot bag him for being someone you do not like. (Time expired)

**Australian Customs and Border Protection Service**

Mr Keenan (Stirling) (14:49): My question is to the Prime Minister. Can the Prime Minister confirm that budget cuts to the Customs and Border Protection Service for cargo screening have resulted in at least a 75 per cent reduction in air cargo inspections and at least a 25 per cent reduction in sea cargo inspections?

Ms Gillard (Lalor—Prime Minister) (14:49): As the member who asked the question may be aware, a risk management approach has been taken to inspections. I am happy to provide full details on that to the House and I will make sure I do so. On the question of collaboration between the federal government and state governments on the question of illegal firearms—

Mr Keenan: That is not what I asked!

Ms Gillard: I presume these questions are all connected—

*Opposition members interjecting—*

Ms Gillard: and I will still make the assumption, despite the catcalling, that there is a genuine interest in the question of illegal firearms in the community—

The Speaker: The Prime Minister was not asked about collaboration. The Prime Minister will answer this particularly tight question.

Ms Gillard: I am simply seeking to draw the House's attention to collaborative work that has been done between the New South Wales police and the Australian Customs and Border Protection Service with

the assistance of the Australian Crime Commission and the Australian Federal Police. As the minister has announced today, this work has made a difference to the number of firearms available on the—

The Speaker: The Prime Minister will resume her seat.

Mr Abbott (Warringah—Leader of the Opposition) (14:50): Mr Speaker, I ask a supplementary question. Will the Prime Minister concede that the 75 per cent reduction in air cargo inspections and the 25 per cent reduction in sea cargo inspections as a result of her budget cuts have undermined Australians' protection from the importation of illegal weapons?

Ms Gillard (Lalor—Prime Minister) (14:51): No, I will do no such thing. We took that approach on the basis of proper advice. I ask the Leader of the Opposition: if he is going to get rid of 12,000 public servants, how many of them are coming from Customs? I ask the Leader of the Opposition, who is out there with his $70 billion black hole, saying that 12,000 public servants will go: how many of them are coming from Customs? If he is going to rule Customs out today, where are they coming from? The Leader of the Opposition cannot come into this parliament and play these cheap political stunts. He talks about 12,000 public servants—does that mean you are closing Customs? That would be a mere patch—

The Speaker: The Prime Minister will resume her seat. If the Leader of the Opposition is at the dispatch box seeking to ask a second supplementary question, that is not in order at this time.

**Motions**

Prime Minister

Mr Abbott (Warringah—Leader of the Opposition) (14:52): I move:
That so much of standing and sessional orders be suspended as would prevent the Leader of the Opposition from moving forthwith the following motion:

That the Prime Minister be called to explain how the Australian people can trust her Government to control our borders and protect the Australian people from threats including the illegal importation of weapons used in gun crimes when the Government's failed border protection policies have overwhelmed the Budget and undermined the ability of agencies that manage our borders to do their job.

This is urgent. It should take priority over all other matters before this House, and the Prime Minister should stay and listen. There is no more important duty of government than to protect our borders. This Prime Minister cannot stop the boats, she cannot stop the guns and she cannot stop leaving the parliament because she will not face the truth about the incompetence and dishonesty of this government. This is an incompetent and untrustworthy Prime Minister who lacks the courage to stay in the parliament and listen to the truth about this government. That is why standing orders must be suspended. This is the most important business before this House.

We all know that blow-outs in border protection have cost $1 billion a year—

Mr Albanese: Mr Speaker, I rise on a point of order on relevance. Is the suspension of standing orders the same as the matter of public importance which is the next item?

The SPEAKER: There is no point of order. The Leader of the Opposition has the call.

Mr ABBOTT: There has been a blow-out of $1 billion because of this government's failure to protect our borders from illegal boats and, as a result of this, there have now been cuts that have resulted in this government's failure to protect our borders from the penetration of illegal guns.

This is why standing orders must be suspended. The blow-out in costs on boat people has led to a cut in spending on the screening of imported cargoes. Border protection failures on boats are now leading to border protection failures on guns. There could be no more important issue for this House to consider right now.

There have been enormous cuts to screening as a result of the blow-out in border-protection costs because this government cannot stop the boats. Since 2010—and this is why standing orders must be suspended—340 staff have been axed from the Australian Customs and Border Protection Service. The budget of Customs for cargo screening has been decreased. It has been cut by almost $60 million. This has resulted in a 75 per cent cut to air cargo screenings and a 25 per cent cut to sea cargo screenings. This is why standing orders must be suspended. Less than five per cent of sea cargo is X-ray screened and less than one per cent of sea cargo is physically examined. The situation is much worse for air cargo. Is it any wonder that illegal guns are coming into our country?

The SPEAKER: The Leader of the Opposition will address the motion.

Mr ABBOTT: This is why standing orders must be suspended. This government's incompetence on border protection is not just about boats, it is about guns as well. This is the most important business that the parliament could possibly discuss right now.

We know, from a press conference in Sydney today, that 140 Glock firearm magazines have been imported into this country. They are all imported. Every single illegal handgun in this country has been imported. There are far more—and this is why standing orders must be suspended—because of this government's cuts to border screening. There are, according to the New
South Wales police, 160 to 220 illegal firearms in this country because border protection screening was unable to stop this particular operation from bringing illegal handguns into our country, and this is why standing orders must be suspended. Those 160 to 220 guns are enough to fight a street battle. They are enough to sustain a gangland war. They are enough to terrorise our streets. It is happening because of this government's incompetence in maintaining proper border protection: not just border protection against illegal boats, but border protection against illegal guns. This is why standing orders must be suspended. This is why this motion should take priority.

There have been 88 drive-by shootings in Sydney over the last 12 months. There is a reign of terror on the streets of Sydney and as those shots ring out, the people of Sydney think of the crime gangs. They think of the police trying to protect them from those crime gangs. And now they should also think of this Prime Minister, whose incompetence and failures on border protection have materially contributed to this particular social disaster. Is there no end to this government's, and this Prime Minister's, incompetence? We have the pink batts disaster, the school halls disaster, the live cattle export disaster and now we have gun crime in Sydney aided and abetted by the incompetence of this government in maintaining a proper border protection regime. It is not just an inadequate regime against illegal boats but a totally inadequate regime against illegal guns as well.

Today, the head of Customs, Mr Michael Carmody, said, 'It is absolutely impossible for every one of those air containers and cargo containers to be searched.' That is what he said and, I tell you what, it is so much harder as a result of the cuts to screening by this government. A 75 per cent cut to air cargo screening and a 25 per cent cut to sea cargo screening just makes their job so much harder. That is a result of the incompetence of this government. Their incompetence in stopping the boats flows directly into their incompetence in stopping the guns. They cannot stop the boats, and now we know, because of what has happened in New South Wales today, they cannot stop the guns either. That means that the safety of the people of Sydney has been put at risk.

But there is some good news, and this is why standing orders should be suspended. Mike Carmody said today that, 'It's important for those out there to understand that you have agencies at both a Commonwealth and a state level who now work together to address issues.' At least Mike Carmody understands that; I wish Fair Work Australia understood that. Mike Carmody understands that; I wish Minister Shorten understood that. That is why standing orders should be suspended. The only federal agency that does not believe in cooperating with other law enforcement agencies to investigate and prevent crime is Fair Work Australia.

We have a very serious situation on the streets of Sydney. Gun crime—in particular, drive-by shootings—are becoming rampant. Many parts of Western Sydney have been terrorised by drive-by shootings. There is almost nothing that could be more contrived to damage people's enjoyment of their neighbourhoods than drive-by shootings. Every single one of these drive-by shootings has involved an illegally imported gun. Every single one of those illegally imported guns has got past Customs, and they are getting past Customs because this government has savagely cut Customs funding because it cannot stop the boats.

This is an utterly incompetent and utterly untrustworthy government. It is a government which frankly should have died of shame and should be gone. (Time expired)
The **SPEAKER:** Is the motion seconded?

**Mr MORRISON** (Cook) (15:02): I second the motion. There is a falsehood that is being perpetrated by this government today and that is why standing orders must be suspended. The Prime Minister must explain to this House how the government can make bold-faced claims today about their credentials on border protection when the very issue they cite—the importation of illegal weapons, as exposed by the New South Wales Police Force—has exposed their own failures on our borders.

The revelation that gun components were smuggled into my own electorate at the Sylvania Waters post office is bad enough. There must now be a full audit of all transactions conducted by that post office, ordered by the Minister for Home Affairs, who is at the table, and the minister for communications if necessary. The fact that the guns have been allegedly used in the drive-by shootings that have plagued Sydney is even worse. Whether components of the weapons smuggled through the Sylvania Waters post office were used in a drive-by shooting weeks later the Prime Minister was unable to confirm today. But I am reliably informed—

The **SPEAKER:** The honourable member will return to the motion being debated.

**Mr MORRISON:** This is why standing orders must be suspended—because the Prime Minister must explain why the Australian people can have confidence in her when these things are occurring. There have been 60 shootings. This is a matter of urgent importance. There were 60 shootings in Sydney in the year to the end of February. Fortunately, there were no fatalities. The incident that sparked the post office investigation occurred in December of last year. That investigation went all through January. It was not until February that Customs became part of this investigation. They were late to the operation because they did not know that our borders had been breached. That is why standing orders must be suspended—for the Prime Minister to explain.

The fact that our border agency did not prevent this breach or know about it without the good work of the New South Wales Police Force is a cause for major concern. That is why the Prime Minister must explain. If you can bring in components of Glocks then what other components are being brought in across our borders for even more serious weaponry that threaten our national security? If it takes the New South Wales police to find out when our borders have been breached because the Customs and Border Protection Service does not know, then what is happening in the other states and territories? That is why the Prime Minister must come into this place today and explain herself. What assurance can this Prime Minister give to Sydney families and those across the country that her failed border protection regime is up to the job when this is her record?

We do not make weapons in this country for non-military purposes. This was a fact confirmed today by the New South Wales police. New guns are on our streets in Sydney because they are getting across our borders. They crossed our borders on this government's watch and found their way all the way to Sylvania Waters. That is why standing orders must be suspended. Commissioner Scipione recently stated in reference to the guns imported from overseas that this is an urgent issue and a toxic problem. 'It is happening,' he said. 'That is the elephant in the room,' he said. This elephant in the room must be debated. That is why standing orders must be suspended.
Commissioner Scipione tells us clearly that this is a serious problem.

There will be many reasons why the Prime Minister cannot give this assurance and why those on that side of the House today will prevent this matter being urgently debated in this place. They will do that because they know that the key reason is what the Leader of the Opposition has plainly set out: this government has lost control of our borders. In losing control of our borders, they have undermined the capacity of their agencies to control those borders for even more serious purposes. When you cannot stop the boats, you cannot stop the guns—and you undermine the capacity of the government agencies to do their jobs.

The SPEAKER: The member will return to the substance of the question.

Mr MORRISON: Standing orders must be suspended because this is an urgent issue that is facing the citizens of New South Wales. It is an urgent issue that has been highlighted by the best policeman in this country, Commissioner Scipione, and he is saying that it needs attention. Those on that side of the House say this should not be debated. Those on that side of the House are saying this is a matter we should just scurry away from. But I know that the Customs and Border Protection Service was not involved in that investigation until February. It is good that they finally caught up, but what the people of Sydney want—and they want it debated in this House—is for these matters to get full attention from this House. (Time expired)

Mr CLARE (Blaxland—Minister for Home Affairs, Minister for Justice and Minister for Defence Materiel) (15:07): I should start by saying that what is happening in Sydney is extremely serious. There is a risk, where there are drive-by shootings—people shooting at homes across Western Sydney—that someone will get hurt. There is a risk that families enjoying their normal lives in the middle of the day or the middle of the night could be shot and killed. I treat this very, very seriously. That is why one of the first things I did as the Minister for Home Affairs and the Minister for Justice—

The SPEAKER: The minister will address the reasons why standing and sessional orders, in his view, ought not be suspended, not the substance of what would be the subsequent motion.

Mr CLARE: My argument to you, Mr Speaker, is that standing orders should not be suspended, for a number of reasons. Firstly, they should not be suspended because this debate will occur in this House at the end of question time. The member for Stirling has placed this on the parliament's record as a matter of public importance, and that debate will occur this afternoon. That is the appropriate opportunity to have that debate.

Secondly, standing orders should not be suspended now because of the evidence to the contrary. Today is a very important day for Customs. It is a very important day for law enforcement. The New South Wales police, working with Customs and Border Protection as well as the Federal Police and the Australian Crime Commission, have worked together to dismantle a major illegal firearms syndicate. The work they did yesterday shows the terrific job our law enforcement agencies do, working together. That stands in stark contrast to what the Leader of the Opposition said in his argument about why standing orders should be suspended.

This all came to pass because of a number of things. A Glock firearm was seized by New South Wales police in Wiley Park. The Australian Crime Commission, working with the New South Wales police, did a trace
analysis of that firearm. That analysis helped to trace the gun back to the company that makes it in Austria and, in turn, to a gun distributor in Germany, which in turn led to the arrests in Sylvania Waters yesterday. Since I have been in this job I have made a point of making this my top priority, speaking with the New South Wales minister for police and speaking with the Australian Crime Commission to make sure that whatever resources the New South Wales police need they get. The Australian Crime Commission told me, in my first briefing, that they have made that very clear to the New South Wales police and that, as a result of that, they have provided tracing analysis services as well as their Fusion Centre to identify criminals involved in this market. That is why standing orders should not be suspended—because of this evidence to the contrary. I have done the same thing with the Australian Federal Police, and they have made it clear that they stand ready to help the New South Wales police wherever they are needed. And it has been the same with Customs.

What is the result of all that? Working with the Liberal police minister in New South Wales, Mike Gallacher, we directed the Australian Crime Commission to conduct a national intelligence audit of the illegal firearms market in Australia. This is why standing orders should not be suspended—because of the evidence presented here to the country. Finding one gun in Western Sydney and then tracing that and identifying who was responsible for importing it led to the arrest of four people and the shutting down, or dismantling, of a criminal syndicate. The work I have done is to direct the Australian Crime Commission to do that work for every single firearm that has been seized by police over the last 12 months and to do the same sort of analysis for all the shootings, all the bullets and all the casings that have been found, whether they are in Western Sydney or in South Australia or anywhere across the country. That work, that intelligence, will assist police right across the country, and this is why standing orders should not be suspended, because of this evidence of the work that we are doing as a government, hand in glove with the New South Wales government, with the South Australian government and with all governments across the country. That will lead to a presentation of this criminal intelligence information to a meeting of attorneys-general next month and will lead to recommendations to police ministers when they meet in July this year.

The Leader of the Opposition and the shadow minister, the member for Stirling, talk about cuts to Customs. It is a bit rich, the Liberal Party talking about cuts, when they have a $70 billion black hole.

Opposition members interjecting—

The SPEAKER: The minister will be directly relevant.

Mr CLARE: It is a bit rich, when they want to sack 12,000 government workers.

The SPEAKER: The minister will address the motion before the chair.

Mr CLARE: This is why standing orders should not be suspended—because these are the things we could have discussed in question time, and these are the things we will have the opportunity to discuss when the matter of public importance comes up after this debate. The Liberal Party lecturing anyone about cuts is a bit like Ralph Malph lecturing the Fonz about cool. These guys are experts when it comes to cuts. And this is why standing orders should not be suspended. A couple of weeks ago the shadow minister said that the decision of the CEO of Customs to reduce the size of the SES by 11 people could be described as 'drastic action'. I would ask the shadow minister: how does he compare that with the
12,000 people that he wants to sack from the Australian Public Service? The Leader of the Opposition has made it clear that that will happen in education, in health and in defence.

The SPEAKER: The minister will address the question before the chair, otherwise he will resume his seat.

Mr CLARE: The other reason not to suspend standing orders is the obvious nature of this debate. The policy of the Leader of the Opposition on border protection—his idea of turning back the boats—is unravelling, day after day. Trying to suspend standing orders is an attempt to distract from that policy. If truth be told, you have the UN saying that the coalition's border protection policy of turning back the boats will not work, you also have the Indonesian ambassador saying that it will not work, but most importantly you have got senior officers in the Australian Navy saying that it would put Australian lives at risk.

The SPEAKER: The minister will resume his seat. The question before the chair is that the motion for suspension of standing and sessional orders be agreed to. I call the—

Mr Albanese: I am seeking the call on this motion.

The SPEAKER: The Leader of the House will resume his seat. He was certainly second on his feet.

Mr Keenan: I am seeking the call on this motion about the suspension of standing orders and why it is so important.

Mr Albanese: Mr Speaker, I rise on a point of order. It is the normal practice for there to be even numbers of speakers. On this item, the opposition has had two speakers in a row; the government has had one. I am seeking to be the second speaker on the government's side in this debate.

The SPEAKER: Order! The time for this debate has expired.

Opposition members interjecting—

Mr Albanese: That's what I was after, you moron.

The SPEAKER: The Leader of the House will return to the despatch box and withdraw that term.

Mr Albanese: I withdraw, Mr Speaker.

The SPEAKER: The question before the chair is that the motion moved by the honourable Leader of the Opposition for the suspension of standing and sessional orders be agreed to.

The House divided. [15:21]

(The Speaker—Hon. Peter Slipper)

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

AYES
Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, JI
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gambaro, T
Haase, BW
Hawke, AG
Irons, SJ
Jones, ET
Kelly, C
Ley, SP
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dwyer, KM
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Scott, BC
Simpkins, LXL

Alexander, JG
Andrews, KL
Billson, BF
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M (teller)
Dutton, PC
Fletcher, PW
Frydenberg, JA
Gash, J
Hartsuyker, L
Hunt, GA
Jensen, DG
Keenan, M
Laming, A
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
O'Dowd, KD
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Schultz, AJ
Secker, PD (teller)
Smith, ADH
Ms Gillard: I ask that further questions be placed on the Notice Paper.

**QUESTIONS TO THE SPEAKER**

**Question Time**

Mr PYNE (Sturt—Manager of Opposition Business) (15:27): Mr Speaker, I have a question to you. During question time, I was ejected from the House for describing the Treasurer with the unparliamentary term of 'scumbag'. The Leader of the House, at the end of question time, described the opposition as 'morons', for which he was only asked to withdraw. I ask you to review that judgment for future purposes, because it appears to me that both of those terms are equally unparliamentary and the Leader of the House should have been expelled from the parliament for the same reasons that I was expelled from the parliament.

The SPEAKER (15:28): I will not be reviewing my judgment. It is always a matter of context, and the Manager of Opposition Business was almost out before he uttered that unparliamentary term, which was the icing on the cake. The Leader of the House would have been treated exactly the same had his comment been the icing on the cake, but he had been relatively well behaved for a period beforehand.

**COMMITTEES**

**Membership**

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:28): by leave—I move:

That Members be discharged and appointed as members of certain committees in accordance with the list which has been placed on the table.

As the list is a lengthy one, I do not propose to read the list to the House. Details will be recorded in the Votes and Proceedings.

Mr Jenkins, Ms Parke, Mr K. J. Thomson, Mr Wyatt and Mr Tehan be appointed members of
the Parliamentary Joint Committee on Human Rights;

Ms Bird be discharged from the Standing Committee on Infrastructure and Communications and that, in her place, Mr Champion be appointed a member of the committee;

Ms Bird be discharged from the Standing Committee on Procedure and that, in her place, Mr Lyons be appointed a member of the committee;

Ms Bird be discharged from the Joint Standing Committee on Treaties and that, in her place, Mr L. D. T. Ferguson be appointed a member of the committee;

Mr Ripoll be discharged from the Parliamentary Joint Committee on Corporations and Financial Services and that, in his place, Ms O'Neill be appointed a member of the committee;

Mr Ripoll be discharged from the Parliamentary Standing Committee on Public Works and that, in his place, Ms Hall be appointed a member of the committee;

Mr Jenkins be discharged from the Committee of Privileges and Members' Interests and that, in his place, Mrs D'Ath be appointed a member of the committee;

Mrs D'Ath be discharged from the Joint Standing Committee on the National Broadband Network and that, in her place, Mr Mitchell be appointed a member of the committee;

Mr Champion be discharged from the Joint Select Committee on Gambling Reform and that, in his place, Ms Brodman be appointed a member of the committee; and

Mr Byrne be discharged from the Joint Standing Committee on Foreign Affairs, Defence and Trade and that, in his place, Mr McClelland be appointed a member of the committee.

Question agreed to.

DOCUMENTS

Presentation

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:29):

Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

-Migration Act 1958—
  Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 July to 31 October 2011.

Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 July to 31 October 2011.

Section 486O—Assessment of detention arrangements—2011-2012—Personal identifiers 667/11, 669/11 to 671/11, 672/12 to 673/12, 687/12 to 689/12, 703/12 and 706/12—

Commonwealth and Immigration Ombudsman’s reports.

Government response to Ombudsman’s reports.

-National Water Commission Act 2004—

COAG review of the National Water Commission—Report by Dr David Rosalky, 6 December 2011.

Debate adjourned.

COMMITTEES

Intelligence and Security Committee

Membership

The SPEAKER (15:30): I have received advice from the Honourable the Prime Minister nominating a member to be a member of the Parliamentary Joint Committee on Intelligence and Security.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:30): by leave—I move:

That, in accordance with the provisions of the Intelligence Services Act 2001, Mr Melham be discharged from the Parliamentary Joint Committee on Intelligence and Security and that, in his place, Mr Rudd be appointed a member of the committee.
Question agreed to.

Selection Committee Report

The SPEAKER (15:31): I present the Selection Committee’s report No. 46 relating to the consideration of committee and delegation business and private members’ business on Monday, 19 March 2012. The report will be printed in today’s Hansard and the committee’s determinations will appear on tomorrow’s Notice Paper. Copies of the report have been placed on the table.

The report read as follows—

Report relating to the consideration of committee and delegation business and of private Members’ business

1. The committee met in private session on Tuesday, 13 March 2012.
2. The committee determined the order of precedence and times to be allotted for consideration of committee and delegation business and private Members’ business on Monday, 19 March 2012, as follows:

Items for House of Representatives Chamber (10.10 am to 12 noon)

COMMITTEE AND DELEGATION BUSINESS

Presentation and statements

1 Standing Committee on Agriculture, Resources, Fisheries and Forestry

Statements on progress of inquiry into the Competition Amendment (Horticultural Code of Conduct) Bill 2011 and Constitutional Corporations (Farm Gate to Plate) Bill 2011

The Committee determined that statements on the report may be made—all statements to conclude by 10:20 a.m.

Speech time limits —

Mr Adams—5 minutes.
Next Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

2 Standing Committee on Health and Ageing

Lost in the labyrinth: report on the inquiry into registration processes and support for overseas trained doctors

The Committee determined that statements on the report may be made—all statements to conclude by 10:30 a.m.

Speech time limits —

Mr Georganas—5 minutes.
Next Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

3 Parliamentary Joint Committee on Law Enforcement

Commonwealth unexplained wealth legislation and arrangements—Report on inquiry

The Committee determined that statements on the report may be made—all statements to conclude by 10:40 a.m.

Speech time limits —

Mr Hayes—5 minutes.
Next Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]

PRIVATE MEMBERS' BUSINESS

Notices

1 MR DUTTON: To present a Bill for an Act to provide for equity in relation to the provision of certain dental services, and for related purposes (Health Insurance (Dental Services) Bill 2012). (Notice given 13 March 2012.)

Presenter may speak for a period not exceeding 10 minutes—pursuant to standing order 41.

2 MR HUNT: To present a Bill for an Act to provide for the expenditure of money appropriated for the Solar Hot Water Rebate scheme, and for related purposes (Solar Hot Water Rebate Bill 2012). (Notice given 13 March 2012.)

Presenter may speak for a period not exceeding 10 minutes—pursuant to standing order 41.
3 MR FITZGIBBON: To move:

That this House acknowledges the importance of the Minerals Resource Rent Tax for the funding of important physical infrastructure in capacity constrained mining regions. (Notice given 13 March 2012.)

Time allotted—30 minutes
Speech time limits —
Mr Fitzgibbon—5 minutes.
Next 5 Members speaking—5 minutes.

[Minimum number of proposed Members speaking = 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

4 MR ABBOTT: To move:

That this House:
(1) notes that since the Wild Rivers (Environmental Management) Bill was first introduced on 8 February 2010, it has been referred to the following inquiries:
(a) the Senate Legal and Constitutional Affairs Legislation Committee which commenced its inquiry on 25 February 2010 and reported to the Senate on 22 June 2010;
(b) the House Standing Committee on Economics which commenced inquiry on 17 November 2010 and reported to this House on 12 May 2011;
(c) the Senate Legal and Constitutional Affairs Legislation Committee which commenced its inquiry on 24 March 2011 and reported to the Senate on 10 May 2011;
(d) the House Standing Committee on Agriculture, Resources, Fisheries and Forestry which commenced its inquiry on 15 September 2011, was due to report to the House on 2 November 2011 and is yet to table a report; and
(e) the House Standing Committee on Social Policy and Legal Affairs on 24 November 2011 with a reporting date which is yet to be determined;
(2) expresses its concern that despite the unprecedented scrutiny for a private Members’ bill this House is yet to have the opportunity to vote on this bill;
(3) notes that Noel Pearson and the Cape York Institute have called for traditional owners of land on Cape York to have more control over the way the land is used; and
(4) calls on the Government to allow the members of this House to exercise their vote on this important bill. (Notice given 14 February 2012. Notice will be removed from the Notice Paper unless called on on any of the next 7 sitting Mondays including 19 March 2012.)

Time allotted—remaining private Members’ business time prior to 12 noon
Speech time limits —
Mr Abbott—15 minutes.
Next Member speaking—15 minutes.

[Minimum number of proposed Members speaking = 2 x 15 mins]

The Committee determined that consideration of this matter should continue at a later hour.

Items for House of Representatives Chamber (8 to 9.30 pm)

PRIVATE MEMBERS’ BUSINESS

Notices—continued

4 MR ABBOTT: To move:

That this House:
(1) notes that since the Wild Rivers (Environmental Management) Bill was first introduced on 8 February 2010, it has been referred to the following inquiries:
(a) the Senate Legal and Constitutional Affairs Legislation Committee which commenced its inquiry on 25 February 2010 and reported to the Senate on 22 June 2010;
(b) the House Standing Committee on Economics which commenced inquiry on 17 November 2010 and reported to this House on 12 May 2011;
(c) the Senate Legal and Constitutional Affairs Legislation Committee which commenced its inquiry on 24 March 2011 and reported to the Senate on 10 May 2011;
(d) the House Standing Committee on Agriculture, Resources, Fisheries and Forestry which commenced its inquiry on 15 September 2011, was due to report to the House on 2 November 2011 and is yet to table a report; and
2011, was due to report to the House on 2 November 2011 and is yet to table a report; and
(e) the House Standing Committee on Social Policy and Legal Affairs on 24 November 2011 with a reporting date which is yet to be determined;
(2) expresses its concern that despite the unprecedented scrutiny for a private Members' bill this House is yet to have the opportunity to vote on this bill;
(3) notes that Noel Pearson and the Cape York Institute have called for traditional owners of land on Cape York to have more control over the way the land is used; and
(4) calls on the Government to allow the members of this House to exercise their vote on this important bill. (Notice given 14 February 2012. Notice will be removed from the Notice Paper unless called on on any of the next 7 sitting Mondays including 19 March 2012.)
Time allotted—50 minutes
Speech time limits —
First 2 Members speaking—10 minutes each.
Other Members—5 minutes each.
[Minimum number of proposed Members speaking = 2 x 10 mins + 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.
5 MR BANDT: To move:
That this House calls on the Government to set a date for the safe return of Australian troops from Afghanistan. ( Notice given 21 November 2011. Notice will be removed from the Notice Paper unless called on on any of the next 6 sitting Mondays including 19 March 2012. )
Time allotted—remaining private Members’ business time prior to 9.30 pm
Speech time limits —
Mr Bandt—10 minutes.
Next Member speaking—10 minutes.
Other Members—5 minutes each.
[Minimum number of proposed Members speaking = 2 x 10 mins + 4 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.
Items for Federation Chamber (approx 11 am to 1.30 pm)
PRIVATE MEMBERS’ BUSINESS
Orders of the Day
1 MIGRATION LEGISLATION AMENDMENT (THE BALI PROCESS) BILL 2012 (Mr Oakeshott): Second reading (from 13 February 2012).
Time allotted—30 minutes
Speech time limits —
Mr Oakeshott—5 minutes.
Next 5 Members speaking—5 minutes.
[Minimum number of proposed Members speaking = 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.
2 POLICE OVERSEAS SERVICE (TERRITORIES OF PAPUA AND NEW GUINEA) MEDAL BILL 2011 (Mr Morrison): Second reading (from 21 November 2011)
Time allotted—60 minutes
Speech time limits —
Mr Morrison—10 minutes.
Next Member speaking—10 minutes.
Other Members—5 minutes each.
[Minimum number of proposed Members speaking = 2 x 10 mins + 8 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.
Notices
1 MR CROOK: To move:
That this House:
(1) recognises the role played by Albany in the ANZAC story, as the gathering place of the ANZAC First Fleet and the final departure point for many Australian and New Zealand soldiers leaving Australia in November and December 1914;
(2) acknowledges the work undertaken by the Albany Centenary ANZAC Alliance in promoting Albany's rich ANZAC heritage;
(3) notes the recommendations from the National Commission on the Commemoration of the ANZAC Centenary calling for Albany to play a

focal role in the 2014 ANZAC Centenary, including the recommendation:

(a) for a re-enactment of the convoy of vessels to gather in King George Sound; and
(b) to establish an ANZAC Interpretive Centre on the contours of Mount Adelaide; and

(4) calls on the Government to commit support and funding to ensure that Albany is able to deliver a nationally significant event in commemoration of the ANZAC Centenary in 2014. (Notice given 13 February 2012).

Time allotted—20 minutes

Speech time limits —

Mr Crook—5 minutes.

Next 3 Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

2 MR L. D. T. FERGUSON: To move:

That this House:

(1) records its abhorrence at the events of 16 to 18 March 1988 at Halabja, Kurdistan, involving the use of chemical weapons by the then Iraq regime of Saddam Hussein;

(2) notes:

(a) the death of 5000 civilians and injury of 7000 people;

(b) the use of a mixture of Sarin, VX and Tabin nerve gases in addition to mustard gas, leading to birth defects, miscarriages, infertility, paralysis, cancers and other illnesses;

(c) that this massacre was only part of the broader ‘Arfal’ 1987 to 1988 assault on the Kurdish people aimed at ethnic cleansing; and

(d) the execution of Ali Hassam Almajid on 25 January 2010, after being found guilty of ordering and organising this attack; and

(3) acknowledges:

(a) resolutions in a similar vein carried by the United States Senate and House of Representatives, and in the Canadian, Iraqi and British parliaments; and

(b) that in 2009 the Halabja genocide was commemorated for the first time by the United Nations. (Notice given 13 March 2012.)

Time allotted—20 minutes

Speech time limits —

Mr L. D. T. Ferguson—5 minutes.

Next 3 Members speaking—5 minutes.

[Minimum number of proposed Members speaking = 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

3 MR WILKIE: To move:

That this House:

(1) acknowledges the large number of mothers and fathers with serious grievances with family law and the child support system;

(2) notes that there has not been a comprehensive review of the child support system since the 2005 review In the Best Interests of Children—Reforming the Child Support Scheme;

(3) calls on the Government to undertake a comprehensive review of family law and the child support system; and

(4) recommends that the Terms of Reference of this review be formulated to ensure that the safety and well being of children are paramount. (Notice given 13 September 2011)

Time allotted—remaining private Members’ business time prior to approximately 1.30 pm

Speech time limits —

Mr Wilkie—5 minutes.

Next 3 Members speaking—5 minutes.

[Minimum number of proposed Members speaking = 4 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

Items for Federation Chamber (6.30 to 9 pm)

PRIVATE MEMBERS’ BUSINESS

Notices—continued

4 MS PARKE: To move:

That this House:
(1) notes:
   (a) the motion tabled in the South Australian Parliament on 28 July 2011 by Mr Tony Piccolo MP, Member for Light, which acknowledges the experience of 'enemy aliens' interned during World War II and seeks to record an acknowledgement in similar terms by the Commonwealth Parliament on behalf of the nation; and
   (b) that during World War II thousands of people were interned in camps around Australia as 'enemy aliens' and prisoners of war, and among the 'enemy aliens' interned were permanent Australian residents born in Australia or who had become British subjects in accordance with the Federal immigration and citizenship laws of the day,
(2) acknowledges that:
   (a) of these people interned at the camps, the overwhelming majority were law-abiding members of the Australian community who posed no security threat, indeed they were people who had made a valuable contribution to Australian society and so their internment was not only a hardship to them and their families, but also a significant loss to the communities to which they belonged; and
   (b) 'enemy alien' internees were deprived of their freedom and consider that this was primarily on the basis of their ethnic and cultural identity under the mistaken belief that this cultural heritage posed an unreasonable risk, and not for any demonstrated or valid security concerns;
(3) notes:
   (a) the substantial research and personal histories that demonstrate that the internment experience had a long term, detrimental impact on the physical and psychological health and wellbeing of many of the people interned; and
   (b) that two thirds of all Italian internees were interned in the states of Western Australia and Queensland, including more than 1000 in Fremantle, and that certain communities and industries were particularly affected by the internment policy;
(4) recognises and acknowledges the pain, suffering, grief and hardship experienced by the people who were interned and their families, and in particular, the impact on mothers and wives who were left to care for children, homes, farms or businesses alone;
(5) congratulates those internees and their families who made the decision to remain in Australia and rebuild their lives following internment and/or other discriminatory treatment including the inability to buy or lease land, or obtain bank loans, the prohibition against travel, and the confiscation of torches, radios, cameras, trucks and tractors;
(6) celebrates the lives of those former internees and families, and those wrongly classed as 'enemy aliens', who despite their experiences went on to make a significant contribution to the economic, social and cultural development of Australia; and
(7) expresses the hope that as a maturing nation we have learned from the experiences of the World War II policy of internment and that we should ensure that current and future generations of migrants to this country, and their descendents, are treated with justice and equality before the law, and not discriminated against on the sole basis of their cultural heritage. (Notice given 14 February 2012)
Time allotted—30 minutes
Speech time limits —
Ms Parke—5 minutes.
Next 5 Members speaking—5 minutes.
[Minimum number of proposed Members speaking = 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

5 MRS MOYLAN: To move:
That this House:
(1) recognises the importance of clean energy generation technologies in Australia's current and future energy mix;
(2) acknowledges the exponential growth of wind power across Australia;
(3) appreciates that prudent planning policies are key to ensuring new infrastructure development does not adversely impact upon the social fabric of communities;
(4) notes that:
(a) the Environment Protection and Heritage Council has decided to cease further development of the National Wind Farm Development Guidelines;

(b) there is significant anecdotal evidence supporting concern about the health and associated social effects of wind farms which remain unresolved; and

(c) the Senate Community Affairs Reference Committee's report, The Social and Economic Impact of Rural Wind Farms has, as a matter of priority, called for adequately resourced studies into the possible impact that wind farms have on health;

(5) recognises that the National Health and Medical Research Council's rapid review into Wind Turbines and Health is only a cursory compilation of literature on the topic and not an in depth study and should not be principally relied upon to inform planning guidelines;

(6) calls on the Government to urgently commence full in-depth studies into the potential health effects of wind turbines, especially low-frequency infrasound;

(7) requests that the Government fully investigate international best practice in planning policies regarding wind farms and, in conjunction with State governments, publish comprehensive updated guidelines;

(8) calls on State, Territory and local government authorities to adopt cautious planning policies for wind farms and in the interim provide adequate buffer zones and not locate wind farms near towns, residential zoned areas, farm buildings and workplaces; and

(9) calls for approval processes to require wind farm developers to indemnify against potential health issues arising from infrasound before development approval is granted. (Notice given 14 February 2012).

[Minimum number of proposed Members speaking = 2 x 10 mins + 6 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

6 MR DANBY: To move:

That this House:

(1) recognises that 24 March is World Tuberculosis Day, in observance of a preventable and treatable disease that still claims the lives of up to 1.5 million people every year, mostly in developing countries, and that:

(a) overall, one third of the world's population is currently infected with the Tuberculosis bacillus;

(b) the World Health Organization (WHO) estimates that the largest number of new Tuberculosis cases in 2008 occurred in the South-East Asia Region, which accounted for 35 per cent of incident cases globally; and

(c) the number of new cases of Tuberculosis arising each year is still increasing in Africa, the Eastern Mediterranean and South-East Asia;

(2) acknowledges that Tuberculosis is responsible for one in four AIDS related deaths, making it the leading killer of people living with HIV and that:

(a) less than seven per cent of people living with HIV are screened for Tuberculosis;

(b) people living with both HIV and Tuberculosis infection are much more likely to develop Tuberculosis; and

(c) the WHO estimates that by scaling up services and providing integrated HIV and Tuberculosis care, it is possible to save the lives of up to one million people living with HIV by 2015;

(3) notes that:

(a) currently more than two thirds of international financing for Tuberculosis services is provided by the Global Fund to Fight AIDS, Tuberculosis and Malaria;

(b) the Global Fund is a key international body which provides critical basic services to support many developing countries in the fight against Tuberculosis; and

(c) Australia strongly supports the Global Fund; and
encourages Australia to continue to work bilaterally and with other international donors to address Tuberculosis, including through the Global Fund. (Notice given 13 March 2012.)

Time allotted—30 minutes

Speech time limits —
Mr Danby—5 minutes. While this is snake this
Next 5 Members speaking—5 minutes.
[Minimum number of proposed Members speaking = 6 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

MR HUNT: To move:
That this House:
(1) recognises the:
(a) importance of World Plumbing Day on 11 March and its aim of highlighting the role that the plumbing industry plays in relation to health, through the provision of safe water and sanitation; and
(b) environmental role of the industry in water conservation and in energy efficiency and the increasing use of renewable sources of energy;
(2) notes that it is estimated that 3.1 million children die each year as a result of water related diseases; and
(3) congratulates the World Plumbing Council on its role in promoting the importance of the plumbing industry both in developed countries and in developing countries where good plumbing could save lives. (Notice given 28 February 2012).

Time allotted—remaining private Members’ business time prior to 9 pm

Speech time limits —
Mr Hunt—10 minutes.
Next Member speaking—10 minutes.
Other Members—5 minutes each.
[Minimum number of proposed Members speaking = 2 x 10 mins + 4 x 5 mins]
The Committee determined that consideration of this matter should continue on a future day.

BILLS

Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012

Reference to Federation Chamber

Mr FITZGIBBON (Hunter—Chief Government Whip) (15:32): by leave—I move:
That the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 be referred to the Federation Chamber for further consideration.

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

Border Protection

The SPEAKER (15:33): I have received a letter from the honourable member for Stirling proposing that a definite matter of public importance be submitted to the House for discussion, namely:
The threat to Australia posed by the Government's budget cuts to customs and border protection.

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

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

Mr KEENAN (Stirling) (15:33): We have just heard the Prime Minister say in this chamber that this government is going to do everything it can to help the New South Wales police and the federal agencies responsible for law and order to do something to stop drive-by shootings in Sydney and to address law and order issues and gun crime issues in particular. She then went on to say that we are doing just that. We had her minister for the portfolio stand up and laud the efforts of the Australian
Federal Police, the Australian Customs and Border Protection Service and the Australian Crime Commission for what they have done in helping the New South Wales police to solve these terrible crimes or to find illegally imported firearms.

Let us contrast those platitudes—and in this place we all know that platitudes come very cheap—with the commitment that they have actually shown to these agencies since they took office in 2007. We all know that if you want to find out where people's real priorities are in parliament follow the money and look at where they prioritise scarce resources. It is where they have allocated these resources that betrays and shows what Labor really think about law and order issues and where they place these issues in their hierarchy of importance. Labor's actions when dealing with Customs and Border Protection and with all our front-line security agencies tell the Australian people everything they need to know about this government when it comes to law and order. In every Labor budget—every single one—Labor has savaged Customs and Border Protection both in its funding and its personnel. Cuts to Customs are now so dire that criminals have been given an unfair advantage by this government's failure to do one of the most fundamental tasks we ask of a federal government—that is, to protect our borders.

When we talk of Labor's border protection crisis, it is more than their inability to control who comes to Australia. They cannot control what comes into Australia, and funding and personnel cuts to our front-line customs agencies are feeding directly into the ability of criminals to breach our borders. Whether it be the 16,000 people who have been smuggled here illegally by people smugglers or whether it be the ability of bikie gangs to bring in illegal firearms or of other criminal enterprises to bring in illegal drugs and other contraband, Labor's cuts are aiding them in their criminal enterprises. It is always instructive to go back to 2007, the last time this country had a good government, and to see what the government did in contrast to the actions of its predecessor. The Howard government increased funding to Customs when it came to office from 1996 in real terms by 238 per cent. The budget was increased from $357 million to $1 billion. It also increased funding to help the AFP with smuggling and to boost our quarantine controls. Other front-line crime prevention agencies such as the Australian Federal Police received similar increases. When Labor came to office they looked at those enormous real funding increases that the Howard government had made to our law enforcement and border protection agencies and said, 'That's an overallocation of resources that we're going to do something about.' How else could you possibly explain the savageness with which they have gone about slashing our front-line law-and-order and border protection agencies?

These agencies have already been placed under enormous pressure because of Labor's border protection failures, and the cuts that have been implemented in every budget have substantially increased that pressure. I just want to go through those cuts, because they are extraordinarily savage and they are dealing a blow to these agencies' ability to do their jobs effectively.

I will start with Customs. Customs was savaged right from the first Labor budget: $58.1 million was taken from Customs' cargo-screening budget. This cut meant a reduction of 25 per cent in the number of potential sea cargo inspections and an astonishing reduction of 75 per cent in air cargo inspections. Customs' annual report revealed that only 4.3 per cent of sea cargo was X-rayed and less than one per cent of sea cargo is physically examined when it
comes into Australia. With the volumes of cargo increasing in coming years, these cuts will be even more savage.

But this is not the extent of Labor's cuts to Customs. They have cut their personnel. Last budget, another 90 staff were axed from the Customs and Border Protection Service on top of the 250 that were axed in the 2010-11 budget. Customs CEO Michael Carmody has been recently forced to cut 20 per cent of his senior executive service to cope with budget cuts. That is one in five people in Customs' senior executive service that has been cut.

Labor plan to cut $4.3 million in so-called low-risk activities from the agency. Astonishingly, they have cut funding for aerial surveillance in our northern waters—the planes that detect illegal boat arrivals and protect us from illegal fishers. They have cut the budget for the agency to conduct those patrols by $20.8 million. That is a net reduction of 2,215 aerial surveillance hours, or more than 90 days of aerial surveillance. They have cut $34 million over four years for passenger facilitation at Australia's eight international airports. They have cut $17.3 million over five years for the management of illegal foreign fishers.

These cuts have meant that this agency is unable to do the job that it is tasked with, which is to protect Australia's borders. Yet we have had the Minister for Home Affairs—this minister who just stood up and was not even able to fill his 10-minute slot in defending the government's record on these areas—lauding today in a press release what the Australian Customs and Border Protection Service, with the assistance of the Australian Crime Commission and the Australian Federal Police, has been able to do. He was not able to say one word about the savage cuts that have occurred under the Labor Party to the agencies that he now controls. We all know that the minister before him was grossly incompetent, and of course he received the ultimate sanction by the Gillard government: when you display gross incompetence, you are promoted to cabinet! But this minister now has the ability to reverse those cuts. He cannot be an effective minister unless he is able to reverse the savage cuts that have been made to the agencies that he is apparently tasked with overseeing for the federal government.

I know that he will get up and talk about our policies, which is the only defence that he has to the incompetence that has been shown by the Labor Party since they came to office. So let me assure him—and I can give him this very firm commitment today—that not only will we not cut front-line service personnel in Customs; we will restore the funding cuts that the Labor Party has made to cargo screening. This will make sure that Customs actually has a fighting chance of stopping illegal guns before they cross our borders, helping police forces like the New South Wales Police Force and every police force around the country. We will restore that funding cut. If he were going to be an effective minister, he would stand up in his contribution in the next five minutes and say exactly the same thing. If he cannot give that guarantee, if he cannot guarantee the funding and personnel of his own agencies, then he may as well give up because he will not be an effective Minister for Home Affairs.

I have talked about the cuts to Customs, which have been savage. This is an agency which, whilst it has had its funding and personnel cut, has been asked to do so much more because of Labor's inability to stop people smuggling. But all of our national security agencies have been savaged by this government. The Australian Federal Police have been lauded by the Prime Minister and the minister in parliament today, yet they have also been savaged by Labor's budget cuts. Seventy-two staff have been cut from
the Australian Federal Police in the last budget alone. The so-called efficiency dividend has been increased from 1½ per cent to four per cent, which means a $91.3 million cut from the Australian Federal Police.

They have cut the air marshals program that keeps us safe when we fly. AFP numbers in Darwin and Canberra have been cut. I wonder if the member for Canberra will have anything to say about that, if she is making a contribution today. Darwin International Airport—I know the member for Solomon is very concerned about this—will lose air marshals on all of its flights.

The Australian Crime Commission has been lauded today again for its results in the operation to deal with illegal firearms in New South Wales, yet again you have to follow the money to see what the government really thinks about this agency and really thinks about its importance. Overall, the budget for the ACC has been cut in the last budget by $7.3 million, and 23 staff were taken from that agency, one of Australia's premier crime-fighting agencies, which actually exists to deal with the sorts of threats that the opposition has been raising and highlighting in the parliament today.

It is not just the Australian Federal Police, the Australian Customs and Border Protection Service and the Australian Crime Commission which have felt the Labor Party's razor. All of our front-line law-and-order agencies have been savaged by this government. Eight point eight million dollars has been cut from ASIO's ability to do training and liaison, and $6.9 million was cut from the ability of ASIO to do visa checks on visa applicants, which means that, when people arrive here illegally, the chances of ASIO being able to conduct a thorough assessment are extremely limited, because of the cuts that the government has made.

AUSTRAC, the body that tracks funds coming in and out of the country to make sure that organised crime cannot move money around, has had 21 staff members cut in the previous budget. It has had $12.1 million cut over four years for so-called operational efficiencies, which will clearly impact on the ability of that agency to do its job. If you are going to cut all our front-line border protection agencies—if you are going to savage the Australian Customs and Border Protection Service, the Australian Federal Police, the Australian Crime Commission and ASIO—then you have to understand that that is going to reduce their ability to do their job. You cannot subsequently march into this parliament and laud—

The DEPUTY SPEAKER (Ms AE Burke): The member for Stirling knows that his use of the word 'you' is inappropriate. He has been here long enough to know he cannot use it in that way.

Mr KEENAN: Madam Deputy Speaker, I apologise. Thank you for your guidance.

It is clearly going to affect the ability of those agencies to do the job they are tasked with by this parliament. You cannot reduce funding and resources and expect to get the same result. This is the problem with this government. Never listen to what they say; because platitudes come easily. You need to look at what they have done; they have undermined the ability of all of our front-line border protection agencies to do their jobs. You certainly cannot march in here and start lauding the efforts of those agencies.

These cuts are felt on the streets of every electorate. When you are dealing with street crime, you are usually dealing with drug crime. When you have a border protection agency that does not have the resources necessary to protect our borders, then you are increasing the ability of criminals to bring drugs to our streets.
Every time police forces in our states go out there to do their jobs, they can be sure that they are not receiving the support they deserve from the federal government, and that the federal government's actions—cutting the front-line agencies that are supposed to be helping them—are directly making their jobs harder. All of the state police forces are aware of the extent of these cuts and of the effects they are having on their ability to fight crime.

I understand from the media that this new minister is well regarded in the New South Wales Right of the Labor Party.

Mr Burke: Hear, hear!

Mr KEENAN: That has just been confirmed by the minister at the table. We also know that the New South Wales Right of the Labor Party is not what it used to be. When you are talking about a promising minister, it is relative to his ministerial colleagues.

The DEPUTY SPEAKER: We also know that the MPI is not on this issue.

Mr KEENAN: I am directly talking about whether he is going to be a satisfactory minister for these portfolios or not.

The DEPUTY SPEAKER: I don't see what that has to do with the MPI.

Mr KEENAN: The test that we need to put before the new minister is: can he reverse the cuts that have been made to the agencies that are now in his charge? We know that, if he cannot achieve that, then he cannot march in here and laud the effectiveness of the AFP, the ACC or Australian Customs and Border Protection Service when they do have a success, because the cuts made by the Labor Party are undermining the ability of those agencies to have the success that he has been lauding.

I am happy to make that commitment on behalf of the opposition. We will ensure that front-line border protection agencies and front-line law enforcement agencies will not be subject to the sorts of cuts we have seen under the Labor Party. If this minister is going to be effective, he needs to get up now and give that same commitment.

I also give the commitment that we will reverse the savage cuts the Labor Party made to the ability of Customs to screen cargo when it comes into Australia. We will reverse that $58.1 million cut and make sure that they can screen cargo when it comes into the country and help the state police forces fight crime. He should give the same commitment. (Time expired)

Mr CLARE (Blaxland—Minister for Home Affairs, Minister for Justice and Minister for Defence Materiel) (15:48): Today has been a very important day for Customs and Border Protection. The arrests that occurred in Sydney yesterday and the announcements by Customs and Border Protection Service CEO, Michael Carmody, and by New South Wales Police Commissioner, Andrew Scipione, demonstrate how effective Customs and Border Protection is. I would have hoped that today both sides would congratulate the Customs and Border Protection Service, the New South Wales Police, the Australian Federal Police and the Australian Crime Commission for the work they have done together. The result of all of that work is that police have seized seven firearms, ammunition, a parcel containing 140 Glock magazines, small quantities of steroids and prohibited drugs. It is a very important seizure. On top of that, some four people were arrested. It is important because it stops guns getting onto the streets of Sydney. It has happened because of the continued close cooperation of New South Wales agencies and federal agencies.
The Australian Crime Commission—as I said in the debate before the MPI—played a very important role in this. The Australian Crime Commission did trace analysis of a Glock weapon, linking it to weapons that were being distributed by a German firearms dealership. The Australian Federal Police played a very important role as well. Their international network, which is in the Hague, worked closely with the German federal police, the BKA. They also provided resources and investigation to support the warrants that were issued yesterday. Customs—which has been the subject of so much comment in parliament today—assisted the New South Wales Police by alerting them to the packages arriving from certain individuals from Germany during the package clearance process. They also provided officers, including detector dog teams, to assist with the execution of warrants.

The 20-person Customs team that was involved in this investigation included 10 investigators and search officers, two operations commanders to support the combined efforts of the agencies that were in the field, four dog handlers, three computer forensic officers and an intelligence support officer. Customs, New South Wales Police, the Australian Federal Police and the Australian Crime Commission working together dismantled a criminal syndicate and stopped a number of firearms and firearms parts making their way into Australia. It is a great example of what our law enforcement agencies do and what they do best.

Today should have been a day when we came in and congratulated them for their work. Mike Gallacher, the New South Wales Minister for Police and Emergency Services, and I have worked together on this issue to make it even more difficult for criminals to sell guns on the black market in Sydney or Adelaide or Perth—where the member for Stirling comes from. We have all been working to provide better intelligence to police so they can do their work.

Unfortunately, it has been politicised. I think that speaks volumes for this shadow minister but also speaks volumes for the police minister in New South Wales who has taken a different approach and decided that he wants to work with the federal government, and I commend him for it. It speaks volumes about the measure of that man.

Today's announcement by Commissioner Scipione and the CEO of Customs, Michael Carmody, also demonstrates the importance of firearms tracing. The tracing analysis that the Crime Commission did of this one weapon led to all of these arrests, all of these seizures and the dismantling of a criminal network.

The member for Stirling in his contribution talked about platitudes and tests. I would put to him that the real action I have taken here is to make sure that police right across the country have the information they need to do things like they did yesterday every day. I have done that by instructing the Australian Crime Commission to conduct the same sort of analysis they did for this firearm for all firearms that have been seized across the country over the past 12 months, as well as doing analysis of all of the shootings that have occurred across the country over the last 12 months.

This is part of a national intelligence assessment that I have asked the Crime Commission to conduct. I announced that with the New South Wales government last month. It is an analysis they will do into the illegal firearms market and its links to drive-by shootings as well as to other shootings across the country over the course of the last year.

This work will provide police across the country with additional intelligence on how
illicit firearms are sourced, where they have been used in different states and how better to target the people who operate this black market. The intelligence the Australian Crime Commission collected as part of the strike force that arrested four people yesterday will be now implemented and injected into this important work the Crime Commission is doing.

The preliminary results of this work, as I mentioned in the previous debate, will be presented to state attorneys-general next month, and the final report and its recommendations will be presented to state and territory police ministers in July.

To the issue of cuts—and the shadow minister made much of cuts in Customs. I can only imagine the sorts of cuts that would be needed if you had to fill a $70 billion black hole. If you are not going to cut in Customs, where would you cut? It goes to hypocrisy of the Liberal Party when it comes to this debate. Two weeks ago, as I said earlier, the shadow minister said that cutting 11 people from the senior executive service in Customs was, to use your words, 'drastic.' If 11 is drastic, then what is 12,000? Because that is what you have promised to do: sack 12,000 people.

On Q&A, the shadow Treasurer said:

For a start, 12,000 public servants in Canberra will be made redundant over a two-year period immediately upon us being elected. That is the starting point.

The Leader of the Opposition last week said how he would do this. He said that he would set up a commission of audit. Remember what happened with the last commission of audit: it did not sack 12,000 government workers; it led to 30,000 government workers being sacked. The Leader of the Opposition went further: he said where he would make these cuts. He said one of those areas was education. He said one of those areas was health and he said one of those areas was defence, which is another part of my responsibilities here as the minister. He said the audit commission would consider:

... whether we really need 7,000 officials in the Defence Materiel Organisation, when the United Kingdom, with armed forces at least four times our size, gets by with 4,000 in the equivalent body.

To start with that claim is just plain wrong. The UK body, Defence Equipment and Support, which equips the UK's armed forces for current and future operations, does not employ 4,000 people; it employs 20,000 people. Like the men and women working in the DMO, they do very important work. These people working in Defence make sure that our troops—

Mr Keenan interjecting—

Mr CLARE: You are talking front-line people and affecting front-line workers. There are no front-line workers in the Australian government more important than our troops. These people in the Defence Materiel Organisation make sure that our troops in Afghanistan, East Timor and Solomon Islands have the equipment they need to do their job.

Over the last 18 months, I have seen that happen, whether it is lighter combat armour, better uniforms for our troops, upgraded safer Bushmasters—

Mr Tehan: You are cutting the Bushmasters.

Mr CLARE: That statement is just plain wrong. Whether it is the counter-rocket system that we have employed at Tarin Kowt to make sure that our troops have early warning of any rocket attack or the ground-penetrating radar system that we are providing for our troops in Afghanistan to give early warning of improvised devices on the roads—
Mr Keenan: On a point of order, Madam Deputy Speaker: this MPI is specifically about Labor budget cuts to Customs and Border Protection. The minister is now talking about things in relation to Afghanistan. I ask you to return him to the substance of the MPI.

The DEPUTY SPEAKER (Ms AE Burke): The minister was making relevant remarks about budget cuts.

Mr CLARE: It is an MPI about cuts, but they do not like it when you ask the question: where will they cut? They have said they will cut from the Defence Materiel Organisation. Where do these people work? They do not all work in Canberra. There are 58 that work in Gippsland. There are 37 that work in west Victoria. There are 340 that work in Newcastle and 193 that work in Nowra. There are 39 that work in Cairns in the electorate of Leichhardt and 143 that work at the helicopter base at Oakey. The member for Groom would know the good work that the Defence Materiel Organisation does in his electorate. There are 161 in Edinburgh in the member for Wakefield's electorate. There are 11 in Exmouth. In Stirling and in Rockingham there are 213 DMO workers—workers that provide the equipment that our troops need to do their job. These are the sorts of workers that this opposition are planning to cut if they come to government. So whilst this shadow minister puts his hand on his heart and says that he will not make any cuts from Customs, he knows full well that there will be cuts in defence. There will be cuts to the people who provide the equipment to keep our troops safe and there will be cuts to people who work even in his own electorate. It is hypocrisy that you see evident in the work of the opposition here.

Mr Keenan interjecting—

Mr CLARE: The member for Stirling says he is concerned about Customs. He should be listening to what Customs say. This is what Customs and Border Protection Command have said about your policy to turn back the boats, released in an FOI last month—he does not like it but he should sit down and take it.

Mr Keenan: Madam Deputy Speaker, on a point of order: the minister has been given enormously wide latitude to range over all sorts of things, except the substance of the MPI about Labor's budget cuts to Customs.

The DEPUTY SPEAKER: The MPI relevance rule is one that is very elastic. I did not stop him when he was straying but the minister will return to the topic before us.

Mr CLARE: It is a debate that includes the words 'border protection' in its title, so it is worth asking the question: what is their border protection policy? Their policy is to turn back the boats. They are concerned about Customs. What do Customs say about their policy? In an FOI released last month they said that it would lead to asylum seekers exhibiting non-compliant behaviour and that Australian Defence Force personnel tasked to implement this policy proposal would be exposed to additional hazards. That is what Customs and Border Protection Command—whom you are so concerned about supporting—say about your policy. They say that turning back the boats, the policy you stand for, would put Australian sailors in harm's way.

Everybody has attacked this policy, from former Chief of the Defence Force, Chris Barrie, to the Indonesian ambassador. Perhaps the most important people who have criticised this policy are the Australian men and women who would have to do the job. Why? It is because it would put their lives at risk. This is what a senior naval officer said in the Australian newspaper on 25 January:
'They will disable their boats when they see us coming.'

Mr Keenan interjecting—

Mr CLARE: Are you not concerned about this? Are you not concerned about people dying on our seas? This is what a naval officer says about your policy: 'They will burn their boats. The policy will encourage them to do so—

The DEPUTY SPEAKER: It is certainly not my policy. The minister will not use the term 'you'.

Mr CLARE: This is what a senior naval officer has said about the opposition's policy: 'The policy would encourage them to do so and it would place Navy lives and refugee lives at risk.' We know this is true because it happened before—whether it was on 7 September 2001, when naval personnel boarded a vessel and were threatened and forced to withdraw; on 9 September; on 11 September; a month later with SIEV5; on 31 October; or 16 December—more sabotage, more fires, more threats of self-harm and boats not able to be turned around because it would have put the lives of Australian sailors at risk. That is what the opposition's policy would threaten to do.

We have the chance here to do something good on Customs and Border Protection by implementing a policy that would reduce the risk of people losing their lives at sea—by implementing the Malaysia solution. The opposition just says no.

The DEPUTY SPEAKER: The member's time has expired.

Mr Tehan: Thank God for that!

The DEPUTY SPEAKER: The member for Wannon may want to think seriously about such calls across the chamber.

Mr MORRISON (Cook) (16:03): I am pleased to speak on this matter of public importance on border protection because it is critically important. I have listened to the contribution by the minister at the table and I have some sympathy for him. I understand Mr Clare is new to the portfolio and I understand that he has been delivered an absolute hospital pass by his predecessor. I am sure one of the first things he did when he became minister was to send a little note: 'Dear colleague, thank you for the hospital pass you sent me through your maladministration of the portfolio previously.' Maybe he saved himself time by using the proforma that the current Minister for Immigration and Citizenship used when he sent a little note to Senator Evans: 'Dear Senator Evans, thank you for the hospital pass you have given me through your maladministration of the portfolio.' I will not go too heavily on the minister at the table today because I am sure his failures are ahead of him. There will be plenty of time to deal with those in the future.

This debate is about the cuts that have been made to the Customs and Border Protection Service, which are a result of the fact that this government has lost control of our borders. It has had a budget blowout on immigration alone of $3.9 billion over the last three years. When you blow that much money, because you blow your borders so badly, these are the sorts of decisions a government is forced to take.

The minister at the table made reference to what the view of the New South Wales government was. He may not be aware of what the New South Wales Premier said in question time today. He said: 'It is time the federal government stopped burying its head in the sand about the porous nature of our borders and our customs service. It's time they stopped focusing on themselves and their factional and leadership issues and it's time they started to provide this city, this state and this nation with the effective
control of our borders that people have a right to expect.'

They have a right to expect it because they got used to it under the previous Howard government. They got used to it. They were used to having a government that understood the importance of domestic national security matters and having strong borders—and having a commitment to strong borders—and having the resources in place and the policies in place to provide strong borders. There is a delusion on that side of the chamber about who is trusted to protect Australia's borders and ensure our domestic national security. It is the coalition that is trusted. It is not a theory; it is a fact. Our record is a fact. The government likes to talk about its theories and its failed policies. The coalition can simply refer to the fact. The fact is, the Australian people know that we got the job done, the policies we had worked, we will restore them and we will get the job done again if given the opportunity to do so in government. We need to understand why and how the failures on our borders caused by this government that have produced $3.9 billion in blowouts over the last few years have led to cuts being made in other areas that are putting other people at risk, as we mentioned in the House today. There were the government's decisions to abolish the Pacific solution and to abolish the processing centre at Nauru. There was the decision to reverse even the then Prime Minister's commitment to border protection before the election. Do you remember him—Prime Minister Rudd? At least 31 members on that side of the chamber remember him. They will remember that it was his commitment to turn back boats before the 2007 election. He walked away from that in a hurry.

Those in this House, and particularly those outside this House, will remember the asylum freeze that was announced by Senator Evans. That was a particularly good present that was left for the new minister for immigration after the election. It was something that led to an additional 1,200 Afghans being put into the system for six months to just sit there, which fuelled and fanned the dissension within the detention network. The Hawke-Williams review found that that played a key role in the build-up of pressures that led to the Christmas Island riots that happened a year ago this week, where the Christmas Island detention centre went up in flames. There was also the East Timor farce and there was the Malaysian failure. I refer to it as a failure because it did not work. Madam Deputy Speaker, I know you were not a great fan of the Malaysia policy of this government. There were many on that side of the chamber who were not fans of that policy.

The DEPUTY SPEAKER (Ms AE Burke): The member for Cook should not push it.

Mr MORRISON: Thank you, Madam Deputy Speaker. That policy was described as not working by none other than the member for Griffith, the former Minister for Foreign Affairs. The Minister for Foreign Affairs thought he was so convincing in his demolition of the Malaysian people swap that he should become Prime Minister again. That is what we know about this government and that minister's commitment to that policy. Then of course it was crowned with the let-them-in, let-them-out policy of the Greens, which the government introduced in late November of 2011 and which was followed by the biggest summer of boat arrivals on record—2,100 people turned up on boats in the most dangerous period of the year following the government's decision to go to mainstream community release.

I received an email not that long ago from one of my constituents who was reflecting on the government's performance in border
protection. She wrote that 'this government is run by muppets'. I think that is the frustration and concern that is out there in the community about the government's handling of border protection issues. They remind me, whether it is the Minister for Immigration or his predecessor or the Prime Minister herself, of the Great Gonzo, who would get up and blow his trumpet at the end of the *Muppet Show* theme. It would blow up in his face every single time he did it. That has been the history of border protection policy under Labor. Their immigration policy and their border protection policy would make the Great Gonzo proud. They are muppets for many other reasons. We know muppets are controlled by faceless men. That is something the government is pretty well aware of and the Prime Minister certainly knows that. There were also the two muppets who used to sit up there in the bleachers, not unlike the two older members in the chamber sitting up there in the bleachers—

The DEPUTY SPEAKER: The member for Cook has strayed considerably and will return to the MPI or I will invoke standing order 90 and sit him down.

Mr MORRISON: I will return to the topic in saying this: when they said—

Mr Tehan interjecting—

The DEPUTY SPEAKER: The member for Wannon has got one last chance.

Mr MORRISON: As the show would end, one would turn to the other and say, 'Just when you think things could not get any worse'—just like the government's border protection policy—'something wonderful happens'. The other one would say 'What is that?', and he would get the reply, 'It ends.' That is what the Australian people want to see from this government; they want to see this farce end.

The budget blow-outs of $3.9 billion on this waste, mismanagement and incompetence on our borders have been catastrophic. There was a $208 million blow-out in the additional estimates of 2009-10; a $798 million blow-out in the budget estimates of 2010-11; a $472 million blow-out in the additional estimates of 2010-11; and a $1.528 billion blow-out in the budget estimates in 2011-12. In the most recent additional estimates, there was a blow-out of $866 million. That is how you get to $3.9 billion in blow-outs—by failed border protection policies; by being completely in denial.

Since the riots I referred to, a couple of things have happened. Those riots were a year ago this week. The heart of the problem we have with this government is they are in denial. Who is really running the show? Dr Hawke confirmed the view in evidence to the detention inquiry recently that the asylum seekers got a 'no' and they rioted. There was a build-up in the population within those centres in the detention network. There was a failure of the government to expand that network prior to the election and that led to considerable pressures in the system. At the end of the day, it was sparked off by the fact that a whole bunch of people got a 'no' and they rioted. What has happened since then? The rate of primary acceptance for refugee claims for IMAs has doubled; the number of protection visas given to people has tripled; and the number of 'no' decisions turned to 'yes' on appeal is four out of five. It would seem to me that the rioters got what they wanted.

The people smugglers have certainly had what they wanted for the last four years. They have had a government with failed border protection policies. As those policies have continued to fail, as the government has continued to ramp up the costs, it has undermined the capacity, more broadly, of our border agencies—whether it is Immigration, whether it is AQIS or whether
it is Customs and Border Protection—to do the job that we trust them to do. That has resulted in guns turning up in post offices in my electorate. It has resulted in guns getting into this country, and Australians are very concerned about that. That has been exposed today and the government should be ashamed of itself. *(Time expired)*

**Ms BRODTMANN** (Canberra) (16:14): I cannot believe the audacity and gall of the member for Stirling putting up this matter of public importance today, particularly after the comments that were made by the shadow Treasurer and by the opposition leader in the last week and in fact over the last six months. It is absolutely outrageous. I cannot believe his gall. He has no understanding of the public service. He has no appreciation of what public servants do. He has complete disdain for the public service. He has complete disdain for public servants and he is constantly maligning them. I cannot believe it. This MPI's title should read: 'The threat posed to Australia by the opposition's planned decimation of Canberra and services to the Australian public.' That would be more accurate, because that is what the member for Stirling, particularly his leader and the shadow Treasurer, have been saying over the last week. I remind the member for Stirling of what he has been saying, which underscores their disdain for the Public Service and for public servants in this town and throughout Australia. Their crocodile tears are extraordinary; their audacity is breathtaking. Last Monday, the member for North Sydney said on 7.30:

... a lot of people in Canberra are spending a lot of time duplicating the work of the states. For example, there's a Department of Health in Canberra with over 6,000 employees. Not one of them is a doctor or not one of them is a nurse treating a patient - not one.

That is extraordinary. What could these people be doing? They are implementing government policies. They are providing support services to the doctors and nurses on the frontline of health services. They are implementing the Gillard government's $2.2 billion mental health program. That is what they are doing. He went on to say:

Well of course; if you wanna reduce the size of the government, if you wanna get rid of the waste—

that is how the member for North Sydney views public servants; that is what he thinks of the Public Service in Canberra—

if you want to keep your commitments on track, you're gonna have to make hard decisions. So public servants throughout the country, not just here in Canberra, are thought of as duplicative and as waste. That is the view of those opposite towards public servants and the Public Service. So for them to come in here today and cry crocodile tears about the impact of supposed budget cuts on these agencies is absolutely outrageous and incredibly audacious.

On *PM* last Friday night, the Leader of the Opposition was speaking about his commission of audit, which is going to be absolutely wonderful. He pondered whether the federal health department really needs all of those 6,000 current staff. Then he focused on the federal education department and asked whether it needed its 5,000 current staff when the Commonwealth does not run a single school. I go back to my original point: those opposite have no understanding of what the Public Service does. They have no appreciation of the Public Service and no appreciation of public servants.

When I hear such comments, particularly those of the last week, from those opposite, I am reminded of 1996. In 1996 the Howard government got rid of 30,000 public servants. That is probably three-fifths of the population of Wagga—I think the population of Wagga is about 50,000. That is quite an
an extraordinary chunk of humanity that was taken out of the Public Service. The member for Cook talked about facts. The facts are that those opposite have already talked about cutting 12,000 Public Service jobs. In the last week they have talked about cutting 6,000 jobs from the department of health and another 5,000 from the education department. Just today I heard that they are looking at getting rid of the Defence Materiel Organisation. From memory, that would be about 6,500 jobs. So we are already up to 29,000 Public Service jobs that would go. That is fast approaching the 30,000 that were lost during the late nineties under the Howard government. I remind all those present today what that meant for Canberra. Canberra lost between about 15,000 and 20,000 jobs. That meant that house prices plummeted, small businesses closed down and local shops closed down. It gutted local shopping centres, which have not returned to what they were before then. It meant that Canberra went into a recession when the rest of Australia was growing. It took us years and years to recover. But the impact of those cuts was felt not just in Canberra, but in the region. If you still had a job and you could afford a holiday you might go down to the coast, where you would see that two-thirds of the houses were on the market. It had a huge ripple effect in the capital region, on Queanbeyan, Yass, Wagga, Griffith, Leeton—the whole region around here.

Mr Keenan interjecting—

Ms BRODTMANN: You are talking about budget cuts and the impact on jobs. This is what that means. The truth hurts. This is the future that you have for Canberra. I am putting a mirror up to you about the future of Canberra if you do what you have planned for it and the Public Service.

I remind those opposite of the reality of what is happening. We are introducing a new one-off increase in the efficiency dividend. A number of small agencies are exempt from this one-off increase. Our expectation is that agencies will cut spending in non-staff areas—for example, for consultants, contractors, travel, hospitality and entertainment, media and advertising, printing and publications—and will implement more efficient and consistent delivery of training. We have also set up a working group, comprising the CPSU and senior people from government departments, which has already met. That is looking at the impact of the efficiency dividend. We already have a strong track record on identifying efficiency reforms and making responsible savings. Since coming to government we have delivered efficiency reforms of over $10 billion. Our decision to reduce agencies’ departmental capital budgets is estimated to save about $710 million over three years. This measure has had no impact on public sector jobs. Our agenda is not designed to slash Public Service jobs; that is the target of those opposite. Our policy is to make the Public Service more efficient; their policy is to make the Public Service non-existent.

I also remind those opposite, and Canberrans as well, of what happened in 1996. I was one of the people who lost their job. I was posted overseas with Foreign Affairs and my position was abolished. I came back here and had to reapply for jobs. There had been 50 jobs in the area where I was working, and that was reduced to eight jobs. At the same time, Chris had resigned from his job. He came back to an economy that was in recession and he worked part time for many years as a result of what happened to us in 1996. So I speak from experience. You throw these figures around as if they are meaningless. But these are people, these are families, these are men, women and children and a community that
you want to decimate as a result of your blithe disdain for the Public Service.

I want to speak about the future plans of those opposite for the Public Service. They are going to decimate and take out all the skill sets that already exist in the Public Service. What does that mean for the services we provide for the community? There will be no services—but I suppose those opposite do not actually have any policies. So far I have counted three policies. There is paid parental leave, and there is a bit of dispute about that. There is asylum seekers, and there is a bit of a dispute about that. There has also been the announcement today on Customs, and it is good to hear that they have got a policy. We have also got the $70 billion black hole that they have got to service, and that is essentially three times the budget of Defence or two or three years of community services. It means decimation for Canberra. (Time expired)

Mr CRAIG KELLY (Hughes) (16:24): I rise to speak on today's matter of public importance: the threat to Australia posed by the government's budget cuts to Customs and Border Protection. To start with, this is a government that has been able to find money for almost every dubious cause under the sun—from Grocery Watch, to set-top boxes, to carbon tax propaganda, to the failed green loan schemes and even something called the Flannery Centre. But when it comes to something that is really important, our front-line border security, they have made cuts.

The member for Canberra gave an outstanding stand-up display on the importance of public servants. Maybe she would like to go through some of the cuts that her government has imposed. Further, in 2010-11, there were 250 jobs axed from Customs, and a further 90 jobs were axed this year, for a total of 340 jobs. On top of that, we have a $9.3 million reduction in capital funding for Customs. On top of that, we have further cuts of $17.3 million over the next five years for the management of our vessels which monitor illegal fishing. Further still, in the 2009-10 budget we saw $58.1 million cut from cargo screening. Because of these cuts, we have seen an unprecedented 25 per cent cut in the number of sea cargo inspections and, remarkably, a 75 per cent cut in air cargo inspections.

But it does not stop there. There are further cuts still. We have seen funding to our National Counter-Terrorism Committee cut by $12 million, we have seen a further cut of $8.8 million from ASIO training and we have seen a further $6.9 million cut from ASIO security checks for visa applicants. We have seen all these cuts while we have had unmitigated waste in area after area.

These cuts have, of course, been great news for drug dealers, smugglers of illegal weapons, criminal gangs and terrorists. These cuts have led to the Labor government failing to protect our nation from the illegal importation of guns. In south-western Sydney, an area under siege, in the last 12 months we have had 88 drive-by shootings, including in the suburb of Panania in the electorate I represent. Just today a man appeared in the Sutherland court, a stone's throw from my electorate office, on a charge of importing 150 Glock pistols at Sylvania between August last year and yesterday, when he was charged and arrested. The comments of New South Wales Police Commissioner Scipione are quite pertinent. He said today:

I'm concerned that anyone's involved in these organised criminal groups that are in the business of trafficking guns from the other side of the
world. This is a serious problem. This isn't just a border security issue, this is a national security issue. It's something that we need to understand is a major concern not only to law enforcement, it should be to every person that lives in this nation.

New South Wales Police Commissioner Scipione said it correctly: 'This is something that we need to understand is a major concern to every person that lives in our nation.' It should be a concern to every person that lives in this nation. Unfortunately, it does not appear to be a concern to members who sit on the other side of the chamber. How can any responsible government faced with this problem we have in Sydney continue to agree to slash funding to our Customs agency which results in a cut of 75 per cent to air cargo screening? The residents of south-western Sydney are currently under siege. They need something to be done by this Labor government, not cuts to border security and protection.

This recent case at Sylvania illustrates how porous our borders have been and how easy it has been for criminals to import illegal firearms into Australia without being detected by Customs screening. We heard the Minister for Home Affairs and Minister for Justice saying at the dispatch box a few minutes ago how closely he has worked with New South Wales Police Minister Mike Gallacher. Obviously the minister has not heard what the New South Wales Police Minister earlier today said:

Police will detail ... in the coming days the full magnitude of what they have identified ... and quite simply had the federal government acted earlier what could have been stopped.

Those are the comments of the New South Wales Police Minister earlier today. In the last few hours we have also had New South Wales Police confirm that one Glock pistol was seized in January and that it was only one of the 220 Glock pistols they believe were imported into Sydney and were not detected by Customs in the last three months. So let us be clear on this. According to New South Wales Police, from this one source there have been 219 Glock pistols imported into Sydney that have not been detected by Customs and are currently on the streets of Sydney. What a concern it is for every resident to know that 219 additional Glock pistols are on their streets. Despite this we have the Labor government reducing inspections of air cargo by 75 per cent.

But the cuts do not go just to illegal importation of weapons. There are also cuts to ASIO and antiterrorist funding. It is worthwhile remembering that only in December last year we had three Islamic extremists convicted of conspiring to plan a terrorist attack on Holsworthy Barracks and they were sentenced to 18 years jail. This terrorist cell had actually planned to enter the barracks armed with military style weapons and shoot 500 people before they killed themselves. This is the reality on the streets of south-western Sydney today. Only last week an ABC News article—and I think it is worthwhile remembering this—said:

Sydney police have seized an AK-47 assault rifle from a house in the city's south-west.

A 46-year-old man was arrested at the home on Brennan Road at Yagoona during the raid by the Middle Eastern Organised Crime Squad yesterday afternoon.

Police say they found the rifle along with a 30-round magazine and a combat helmet.

The man has been charged with possessing a prohibited firearm and not storing a firearm safely.

The gun is to undergo ballistic examination.

That was one week ago on the streets of Sydney. This is the reality of what we face in Sydney, yet despite this we have the government slashing the resources going to Customs and frontline border security. Shame, absolute shame! The member for
Stirling has made it crystal clear today that the coalition will reverse these cuts that have allowed hundreds of guns onto the streets of Sydney. We will ensure that the people of Sydney are kept safe by making sure we have adequate border protection and Customs protection.

Today the minister was given the opportunity to admit that Labor had made a terrible mistake, to admit that Labor's misguided actions and cuts had imperilled the lives of every Sydneysider. They had the opportunity here today to spell out very clearly that they would immediately reverse these cuts and give Customs the resources they need. They failed to take that opportunity. The residents of Sydney need to be very clear that there are two choices: the coalition, which supports reversing these cuts and giving our Customs officials the resources they need to make sure this 75 per cent cut to airport screening is reversed, or the government, which plans to do nothing and stand by and watch as illegal weapons are imported into Sydney in record numbers.

I will quickly turn to a short issue. This government is also cutting $34 million from passenger processing at our airports with these cuts. This simply means there will be longer and longer queues for international passengers coming into Sydney. Every Australian who is going overseas in the next 12 months needs to know that when they come back into Sydney they are going to face queues hundreds of yards long and they will be queuing for over an hour to get through Customs—all because of this government's cuts. I would suggest that this government put up a sign at the international terminal to advise everyone standing in these queues for hours that they are simply being forced to stand in them for hours because of the reckless and wasteful spending of this government. We also need to consider what effect this will have on our tourism industry. We have overseas tourists coming in after long 20-hour flights, from New York or London, who will now be forced to stand for hours in queues—so that will be further damaging our tourism industry. (Time expired)

Mr LAURIE FERGUSON (Werriwa) (16:34): I have heard today contributions on this MPI from the Leader of the Opposition and the member for Cook, whose life experience and domicile are far distant from where these problems are happening. As a person who has represented for almost a quarter of a century the region where many of these events are occurring; as a person whose close relative moved out of their house, traumatised by a person being shot in the head in front of their house; as a person whose maiden speech in New South Wales politics was on gun laws; as a person who often congratulated a previous Prime Minister, John Howard, for his historic work on this effort; and as a person who has watched in recent years as New South Wales politics has degenerated into deals with the gun lobby because of their control of the upper house in that state, I very much resent today's contributions. They are contributions of histrionics, political opportunism of the worst order and rank hypocrisy.

We have all these 'experts' here today. Why do they know so much about this? They know so much about this because there has been effective policing in the last few days, with cooperation between state and federal police having uncovered this conspiracy. They were not here weeks ago saying to us that we had a massive national crisis, being the importation of illegal arms. I cannot recall them coming in here and asking this House to debate an MPI about these issues. When the opposition spokesman talked about the disappearance of 11 jobs in Customs, I
did not hear him raise this as a serious matter. But back then I heard an ABC program talking about a very significant problem in this country, the theft of guns internally, and saying that many guns are disappearing from various rifle range clubs et cetera. So here today we have all this 'expertise' that the problems of western Sydney's gun homicides and shootings are about the importation of illegal arms—after we have watched the New South Wales opposition deliberately not politicise this matter. For months on end, people in the area where I live have watched and waited for some action by the New South Wales Police Force, but the opposition leader in our state has not been out there criticising the police minister over a task force raid last week by 101 police personnel that picked up, I think, four people. We have been patient, knowing that there must be a proper investigation of these matters. One would think from those experts over there that it was so simple. If you look at what has happened, we have an Austrian company, a gun dealer in Germany and a very sophisticated operation which broke down the arms and imported the various components separately.

To think that this is a simple matter that relates to the reduction of 11 SES positions in Customs is preposterous. It is, as I say, rank hypocrisy to come in here today worrying about these shootings in Western Sydney. We have heard nothing from the spokesman opposite or any member of the opposition in the months leading up to this. We have a situation where, as many speakers have indicated, those opposite are crying today about the disappearance of 11 jobs and, at the same time, they are talking about a $70 billion deficit. The opposition leader is making some statement today in which he is going to guarantee that this area is going to be quarantined. Are they going to make a quarantine next week for education and health? This is ridiculous. Why wasn't that quarantine made in the weeks leading up to this point if it was so important? If this matter is related to gun crime in Sydney, why didn't you make that commitment before today? It is only when you are pressed about the realities of the reduction in the workforce in the public service. In the weeks leading up to this, the opposition leader referred back to the efforts of his great and glorious leader, John Howard. We know that that model led to the reduction of 30,000 jobs in this country. And they say that somehow this matter is the end of Western civilisation.

The member for Cook made the comment, 'Our record is a fact.' The other aspect of this issue of course is border protection. What those opposite are trying to do here is connect the gun issue with the border protection issue, but they are a bit embarrassed by what has happened on that front in the last week or so. The foreign affairs spokesman for once left off the juvenile performances we have seen from her. For instance, in the Maldives a few weeks ago, people who were fighting for democracy were being bashed in the street, and she came in and related that to internal problems in the Labor Party. She has not made a comment on the situation in Syria. Now she is trying to persuade the Indonesians that the opposition leader did not really mean what he said about the coalition's immigration policies on border protection. 'Don't take any notice of what Tony Abbott says. After all, after he is elected as Prime Minister, he is going to go to Indonesia.' Let us worry about our relationship now.

We have a situation where, as the foreign minister said yesterday, one of the tasks he has set himself is making sure the Australian people understand the fundamental importance of our relationship with
Indonesia, the largest democracy in the Islamic world, the largest Islamic country. I was recently up there on a delegation and one of the points the Indonesians made to us was that we are a model of democracy that can be influential in the Arab world. During the Arab Spring they need models; they need examples. The Indonesians said that, 'We, unlike you in Australia, unlike the Americans and Canadians, cannot really influence how that is going.' That country is important internationally, it is a model for the Islamic world with regard to democracy—

**Mr Danby**: Important to Australia too.

**Mr LAURIE FERGUSON**: And it is important to Australia. In the past week the opposition foreign affairs spokeswoman had to go and try to persuade the Indonesians by saying, 'It is not really going to be a situation where they are going to tow the boats back. Don't worry about it. You do not have to cop all the problem.'

**Mr Danby**: It's just for the *Daily Telegraph*.

**Mr LAURIE FERGUSON**: 'It is just for the *Daily Telegraph* and the *Herald Sun* that we are saying these things. We don't really mean it.' The Indonesian ambassador somehow was not fooled. People who have observed him over a period of time know of his sophisticated knowledge in this area. On the other hand, Indonesia is a democratic country. But in the last few weeks we have also seen some of the conditions in their detention centres, which are—as is the nature of Indonesia—being investigated by their police force.

The opposition says that we should not make any undertakings with Malaysia because they have not signed international conventions. But, they say, 'We will send boats full of refugee claimants back to Indonesia,' which has not signed either. This same opposition says that Malaysia is so dreadful, yet Anwar Ibrahim, a major opposition leader, can have a court case and be exonerated in their judicial system. We have seen liberalisation of their political processes recently. We cannot make a deal with them to try to reduce the number of boats coming to this country because this opposition wants more boats. Despite this rhetoric, they want more boats and they want more claimants. They want more pictures of boats every day of the week.

I have made this point before. The opposition immigration spokesman, the member for Cook, says: 'Malaysia is so dreadful. Yes, we did like sending them to Nauru when they were not signatories, but Malaysia is so dreadful.' In the past, he rushed around the place, trying to get the phone number of the Iranian ambassador to see whether he could negotiate to send them back to Iran. So it is wrong to send people to Malaysia but Iran is all right.

This border protection policy of those opposite has recently been condemned by the European Court of Human Rights. Antonio Guterres, the former President of Portugal and the United Nations High Commissioner for Refugees, made this comment about their policies:

We have clearly opposed pushbacks in the Italian case in the Mediterranean in the recent past before the Libyan crisis, and we think that that is clearly a violation in relation to the '51 Convention.

The policy of those opposite is going nowhere except for facing the Indonesians with the crisis of accommodating large numbers of people if they actually truthfully do board boats. When the member for Cook talks about his record being a fact, part of his record is that, under their regime, of the 173 vessels they intercepted they actually managed to board 12. But the other part of the problem, which the Australian people are
aware of, is that when they do board those 12 vessels the personnel involved face grave dangers. This week a constituent who was part of that was talking to me about the recognition they should get for their service. We have had a variety of military and ex-military personnel tell us, in very grave terms, of the dangers they face. The Northern Territory coroner found in 2010:

It was apparently these fears that sparked a plan to burn the vessel to prevent its return to Indonesia. A fire would also necessitate rescue of the passengers by the—

Australian Defence Force—

and their transfer to an Australian vessel.

That is the reality. Those opposite have a policy that is going to insult the Indonesians and break down a crucial relationship for this country. It is going to ignore a real possibility of reducing the number of boats that come to this country by negotiated agreement with a country that we respect, Malaysia. They are going to condemn many of the people they are supposedly so concerned about and crying about these days to Indonesian detention centres which are going to be overcrowded, the state of which has led to a police investigation by the Indonesians in the last week.

Ms MARINO (Forrest—Opposition Whip) (16:44): Why are we here today discussing this matter of public importance proposed by the member for Stirling? The matter of public importance is:

The threat to Australia posed by the Government's budget cut to customs and border protection.

There is one simple reason that we are here. We are here due to one indisputable fact. The Labor government has totally lost control of Australia's borders. It is that simple. We know that 15,900 asylum seekers have arrived on illegal boats. That has put, and is putting, incredible pressure on the resources of this nation and on budgets. Why? Because this Labor government has literally trashed the successful border protection policies of the coalition government. People smugglers are using this opportunity to charge at least $10,000 per person. At the same time, we have seen that the budget for border protection has blown out by $3.9 billion. Unfortunately, Australia's ability to protect and manage its borders under this government is not only a national disgrace but also an international joke. But the joke is on Australian taxpayers.

We know that this Labor government always finds wrong answers to the important issues, whether it is climate change with the great big tax, whether it is on animal welfare in banning live exports, whether it is fiscal stimulus with the global financial crisis, coming up with deadly pink batts and the failed cash-for-clunkers scheme, or whether it is regional education where they tell country students they are independent but make them dependent on their parents' income, which was used to slash their access to independent youth allowance. If it is border protection, the Labor government's answer is to throw open the doors to people smugglers. This is on the back of very desperate people—people who put their lives at risk in leaky boats. They have literally abandoned the principles of border protection.

We know about the cuts that Labor have imposed. We know that they do not take front-line border protection seriously. If they did, we would not have seen cuts that we have. We have seen not only illegal boats but also illicit drugs and weapons. All these things have resulted from the cuts in funds and resources to Customs. We know about the cuts to aerial surveillance by $20.8 million and the loss 2215 aerial surveillance hours. That is more than 90 days. Labor have axed a further 90 staff from Customs on top
of the 250 staff cut in the 2010-11 budget. Labor have cut $9.3 million in 2014 to Customs to reduce capital spending and other low-risk organisational activities, I understand. Labor are cutting $34 million over four years for passenger facilitation at Australia's eight international airports. This is not all. There are cuts of $17.3 million over five years for the management of vessels of illegal foreign fishers. In the 2009-10 budget, Labor cut the budget of Customs for cargo screening by $58.1 million. This cut to screening reduced the number of potential sea cargo inspections by 25 per cent. We wonder why we are having this debate today. When these cuts are put together, this gives us an incapacity to manage our borders. The cuts have resulted in a 75 per cent reduction of air cargo inspections. That is why we are here today. In the recent Customs annual report it was revealed that only 4.3 per cent of sea cargo is X-rayed and only 0.6 per cent of sea cargo is physically examined. Can you imagine that in relation to sea containers? What does this mean in practical terms? With even greater volumes of cargo projected for the years ahead, that means even fewer are going to be physically inspected. We have heard today about the cuts to ASIO and the various agencies. This is what we have heard today.

The government has a really poor record of defending Australia's borders and of maintaining our border protection, quarantine and biosecurity. People frequently forget that this has broad-ranging implications for Australian manufacturers of agriculture and food producers who rely on our clean image and our clean quality produce. These industries are regarded as safe and it is essential that we maintain the reputation, but it is being put at risk by the incompetent neglect of biosecurity. Australia has a unique environment that is under threat from pest and disease incursions and needs protection.

The Beale quarantine and biosecurity review must be a constant embarrassment to the government. It was commissioned by Labor and called for hundreds of millions of dollars to be spent on AQIS and quarantine annually to provide real protection for our nation's borders. But what have we seen? We have seen nothing but cuts, as the member for Stirling has said. Instead of heeding this report, the government has failed to act and has spent nearly three years since its release stripping its assets and running it down. Australia's border security is a massive Labor failure. It is a massive cost to Australian taxpayers and, unfortunately for the Labor Party, I think that all Australians are now seeing this for what it is. No wonder the government has to keep coming back to this parliament to extend the credit limit on its credit card debt ceiling of $250 billion.

People are looking for leadership to resolve this issue, and I think the member for Stirling gave that today. Instead, the Labor Party just simply wants to pretend this is not happening, that these cuts are not real and that they are not actually impacting in a very direct sense. If our leaking borders are really not damning enough, the impact of the government's incompetence goes even further. The Department of Immigration and Citizenship is bogged down because the resources are directed to managing asylum seekers. When you look at the lack of skilled people, the impact on 457 visa holders and the impact, as the member for Stirling knows, that that has in Western Australia, that is where the resources should be directed, not into areas of failed Labor government policy.

We are projected to have a shortage of 150,000 skilled workers. This is the area where the resources of the department should
be allocated as well as for Customs and Border Protection. Instead, we see the opposite. In 2001 the coalition government made it perfectly clear that Australia was not a soft touch, which is what it is seen as now. It was not a soft touch when it came to border protection. In 2001, people smugglers made 43 successful incursions into Australia. In 2002, they made only one. In the last six years of the coalition government there was an average of just three boats and 50 people per year. It can be done, if there is good leadership and if you use the appropriate policies of the coalition government.

In 2008, the newly-elected Labor government threw open Australia's borders to people smugglers and here we are today with, as a direct result of that, as I said, 15,900 people and a government that has continually raided these budgets. No wonder we are here discussing this matter of public importance today. I support the measures that the member for Stirling has outlined because they reinforce to the Australian people that the coalition once again has the answers. It has the answers on border protection and it will provide strong border protection for this nation. That is the history of the coalition in government and it is one thing—besides managing the economy effectively—that the Australian people can be sure of: the coalition will be a government that provides strong border protection and confidence for the Australian people—something that is sadly lacking under this government.

Mr JENKINS (Scullin) (16:54): I have heard many matters of public importance but never before have I heard an MPI that has been mounted with so disjointed a case. We witnessed in question time today the build-up, which was about a successful police operation in the western suburbs of Sydney today. On closer examination, the Minister for Home Affairs indicated by way of his contribution to this debate and his contribution to the debate on the suspension of standing orders the cooperation that occurred between the Border Protection and Customs Service and the New South Wales police.

What those opposite have not done is to enter into debate in the national interest. They have entered a debate on base party-political grounds. Have a look at their contributions. I challenge people to go through the contributions of the opposition to this MPI and understand what it is that they are arguing. They argue about cuts to the budget of the Customs and Border Protection Service. They then indicate that in some mysterious way, if they were to regain the Treasury bench, they would reinstate these cuts. At the same time, the economic leadership of the coalition, if you can call it leadership, claims that they would make $70 billion more cuts. They have to get fair dinkum if they are wanting us to have a debate in the national interest. They go out there with the hidden agenda of cranking up this issue. We have honourable members talking about the 'missing guns'. It is all about 'stop the guns; stop the Glocks'—that is what they think this is about. But it is not about that. It is about explaining to people what has gone wrong.

The same member who came into this debate so authoritatively claiming that he has this number of guns missing actually related the terms of this MPI to terrorist threat. And he wants to come into this place and claim that this is a debate being conducted in the national interest. I tell you, Madam Deputy Speaker, people expect a lot better standard of debate in this place. They ask that we have a debate that is genuine, that is really about the national interest, that does not grab one police operation to be used for party-political purposes and that does not
thoroughly explain to the Australian public what their alternative view is.

It must be hard for a shadow minister who has responsibility for a portfolio area, who is operating in the run-up to an election at which the opposition think they will put before the Australian public their vision as an alternative government, but who cannot be sure as a shadow minister that he can really talk about making reinstatements. In an environment where there will be more cuts, how could he? We go through all the different threads that have been used in this debate. We have had guns; we have had drive-by shootings in Western Sydney. As has been said by every government member in this matter of public importance, we deplore those incidents. What we deplore even more is the use of those occurrences for base political purposes. If we are serious about these matters, the discussions that we have here should be looking for solutions.

The only thing arising from the reported actions that have been taken in Sydney today is that we have seen cooperation. We have seen some effort to minimise the way in which this sophisticated form of crime has operated.

There has been little in this debate from the member for Stirling and the member for Cook about what is actually happening. Because this matter refers to border protection, we have heard that the government has lost control of the borders. If you lose control of the borders the implication is that there are arrivals that we do not know about, that in some way illegal arrivals cannot be detected—and nobody is arguing that, are they? Is anybody arguing that, in fact, our borders are porous. They are especially not arguing that through those who arrive on boats. If those opposite want to have an argument of a different nature about people that come here by air holding a visa and overstay, well that is a different matter. But, no, we do not have debates about that. We will not have debates about that because of the question of whether that is a failure of border control. That is the failure of our ability to be able to investigate, amongst a majority of worthwhile and genuine cases that seek visas to enter into Australia, those people that do not act in a genuine manner.

As I said from at outset, the thing that most disappoints me about the way in which this matter of public importance is being carried out is that there has been no attempt by the coalition, in the eyes of the Australian public, to enter into a debate that is in the national interest—to enter into a debate that says we can do things better. I am not a great champion of spending cuts as my initial reaction but I would remind those opposite that sometimes they should look at the nature of cuts against the efficiencies that have been gained. We had an honourable member talking about queues of people coming into airports. There was no discussion about new technology, no discussion of the chipped passport, no discussion of what technology has made more efficient in our processing of visitors. But, no, that does not suit their base party political purposes.

I know, Madam Deputy Speaker, that you are very attentive in the way that you control the House at these moments. I only hope for your enjoyment, when you sit there in the chair, that we might have debates that rise above the base party political attitude and actually talk in the national interest and thrash out the way in which we might approach a very friendly nation like Indonesia, not in a way that distorts our relationship and not in the way in which the Leader of the Opposition has put it in public debate that suggests the Indonesian government does not share our concern. One of the best speeches over the last four or five years that was made in this place was by
President Yudhoyono when he talked about the need for regional cooperation. It is regional cooperation about border protection of every country in the region. So let us not have performances like today, questions that suggest it is all the government's fault. First we had a false suspension of standing orders when they knew they did not have a statutory majority and now we have this matter of public importance that did not raise the level of the national interest by the contributions of those opposite.

The DEPUTY SPEAKER (Mrs D’Ath): Order! It being 5.03 pm the discussion is concluded.

MINISTERIAL STATEMENTS

Workplace Safety

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (17:03): by leave—Every Australian who goes to work should return home safely. And in parliament, our workplace—this meeting ground of the national conversation—we are commanded by the annual death toll of people at work to get real on safety.

The latest research for the year 2009-10, compiled by Safe Work Australia and released by the government yesterday, shows that 216 Australians died at work over those 12 months and that the total cost of work related injury, illness and disease can now be assessed at more than $60 billion. The human cost, the emotional cost, is immeasurable. So I do believe it is time—it is time this parliament recognised the failings in workplace safety in our nation. It is time that we listened to more of the stories. It is time to own the statistics and do more about them. It is time to talk of the injured and the dead and of the grieving that follows each death that was needless. It is time we increased our efforts to improve our places of work and make them safer than ever before.

Each holiday season we warn ourselves about the road toll. And so we should. Each approaching Easter brings warnings about safe driving. And so we should be vigilant on our roads this Easter. But when Australians return to work from their holidays this Easter, there is another toll—one that does not get the same attention, even though it is just as important—the toll of work related deaths, injuries and disease. Already in 2012, in just 75 days, at least 25 Australian workers have been killed at work and another 20 have died as a result of someone else's work. The official confirmation of this figure will be the confirmation of human heartbreak.

Only yesterday a 22-year-old man was killed in a workplace explosion. And the day before yesterday a 42-year-old man was crushed by a metal hopper which fell off a forklift. Each year, on average, up to 300 Australians are killed at work and it is estimated conservatively that more than 2,000 will die from industrial diseases caused by exposures at work. In a recent survey conducted by the Australian Bureau of Statistics over 640,000 people reported suffering a work related injury or illness in the previous 12 months.

The personal cost to families and friends is something we only begin to understand when sitting down and listening to the grieving survivors. I have witnessed the terrible consequences of workplace deaths and serious injury—the grief and guilt, anger and despair felt by workmates, colleagues and bosses. The death of a worker in a small business can spell the end of that business. The effect on families and friends is almost indescribable. The average age of workers who are killed at work in Australia is 37. Thirty-seven years old: the age of John
Christian Watson when he became our Prime Minister—our first Labor Prime Minister—in 1904. Thirty-seven: the age that Einstein discovered his theory of relativity. Thirty-seven: one year older than Cate Blanchett when she won her first Oscar. Imagine what our nation has lost through the premature deaths of our fellow Australians. Most Australians who are killed at work traumatically are men. Most 37-year-old men that I know are married and have a couple of children; they have a mum and a dad, they have brothers and sisters, they have friends and neighbours.

I remember the Beaconsfield mine tragedy and rescue. The whole of Australia willed Brant Webb and Todd Russell to be brought out of that goldmine alive. We got to know them in those two weeks—their enormous courage, their resourcefulness, but most of all their amazing good spirit and humour in the face of their terrible plight, trapped 925 metres underground beneath hundreds of tonnes of rock. We all exulted with joy and relief when they emerged smiling and waving. I witnessed the joy and relief of their families. But one miner did not make it out of that mine alive: Larry Knight. I attended his funeral. I saw how Larry's family felt; I can imagine how they are still feeling.

Every year nearly 300 workers like Larry, Brant and Todd go to work in the transport yard, the mine, the factory, the farm, the dock, the construction site or the rig and, like Larry, do not come out again. And while these traumatic fatalities—which occur mostly to men—do receive some attention, it is also timely to ask how many women at work suffer for decades under extremely poor health and safety standards—from endemic stress, fatigue or deliberate and debilitating bullying. How many of our women in the workforce are ground down by blatantly poor health and safety conditions at work? It isn't acceptable, and modern Australia should declare it unacceptable.

Yesterday we released the report Work-related traumatic injury fatalities, Australia 2009-10. This is the latest research report on the number of workers, commuters and bystanders killed each year from work-related injuries. The report is sobering and sad. The transport and agriculture industries are the highest-risk industries for workers and bystanders. Over the seven years to 2009-10, there were 450 fatalities in the transport sector, of which 345 were in road freight. Truck-related fatalities across all industries account for one in every three reported deaths. In the seven years of reporting, 567 workers have died in truck-related incidents. In 2009-10, 79 workers died while commuting to and from work and 42 bystanders died as a result of someone else's work-related activity. In fact, a total of 356 bystanders have been killed since 2003. Agriculture, forestry and fishing is another sector with an unacceptable number of fatalities—423 deaths over the seven years to 2009-10. We should never forget farms are workplaces as well as family homes, and 310 workers have died on agricultural properties since 2003-04. Nearly one-third of agricultural workers who died were over the age of 65. This is three times more than older workers killed in other industries. Not surprisingly, construction had the third highest number of fatalities with 281 in the past seven years.

We also need to consider broader measures of injury, primarily because of the lack of any rigorous statistics on the number of Australians dying from diseases caused by exposure at work, such as heart disease, respiratory disease and cancer. The number of deaths from mesothelioma alone is over 550 a year and this number is still rising. This is a nasty legacy of Australia's heavy use of asbestos. We have to ask: could the
true number of work-related fatalities be much higher? I, for one, believe Australia underestimates its work toll.

Earlier this week, I also released another report entitled *The cost of work-related illness and injury for Australian employers, workers and the community: 2008-09*. The report provides an update of the real costs of work-related injury and illness to the Australian economy based on a range of assumptions. The highest costs result from those injuries resulting in the total or partial permanent incapacity of the worker. Costs related to these injuries are borne mainly by the worker and the community. These types of injuries make up a small proportion of the total injuries and illnesses but account for a substantial proportion of the costs. The total cost estimate includes work-related incidents like loss of earnings, loss of human capital, medical and welfare costs, costs of training and staff turnover costs. I also note work-related incidents where no human costs were incurred—near misses, property damage and loss of goodwill. These are not currently included in the total cost estimate.

A key point I want to emphasise today is that deaths and injuries are preventable. They are not accidents. It is the basics that are still killing people in Australia, things that we have known about for 60 years and more—the lack of guarding or proper guarding on machines, the absence of lights and reverse beepers on mobile plant equipment, the unsecured ladders, the faulty or absent scaffolds, or the use of toxic chemicals where there are safer substitutes.

Another important step in safety is proper communication and cooperation. This needs to include parliament regularly reporting the tragic toll. Parliament needs to join in the work of employer organisations and trade unions. The Australian trade union movement has at its core the belief that workers should be safe at work. Unions have had many wins that improve safety. But I still believe the best form of communication is to actually make improvements in the workplace and in the work process. Real changes are the most powerful form of communications.

Workers need to feel that they can raise safety issues on a daily basis without fear, discrimination or ridicule. They need the confidence to speak up. They must feel that health and safety issues will be addressed by management and that their concerns will be taken seriously and dealt with promptly. Workers’ voices and their inside knowledge are all too often an untapped health and safety resource for employers: the manufacturing worker saying, ‘The machine is making a different noise to the one I have heard every other day I have come here’, or the underground miner saying, ‘At the start of my shift, this shaft of the mine was popping rocks with a different noise to the one it has made every other day’.

The vast majority of employers are diligent and conscientious and are horrified at the prospect of their workers being injured or worse. I know a workplace death is devastating to the employer, but we need to replace silence with cooperation. We need employers who listen, who not only take the time to communicate to their workers but also listen to their workers. We need a culture in businesses that openly respects the delivery of bad news at work and employers who act on the bad news and work with their staff to find solutions.

One woman who has experienced the tragedy of a workplace death in her family is Rohan Maheno. About 10 years ago Rohan’s husband, Rex, was killed when he was run over by a concrete truck at a Queensland workplace. The impact this terrible incident had on Rohan and her family’s life was
immeasurable as they sought to come to terms with the effects of losing a husband, father and friend.

Knowing first-hand the consequences that losing someone in a workplace incident has on loved ones, Rohan wanted to share her personal tragedy with others, in the hope that they could learn from her story. Rohan has also worked in the construction industry for another company, Baulderstone, where her story is used in a health and safety program which places the emphasis on a 'workers learning from workers' approach and encourages an open communication between workers and managers on health and safety. Rohan visits Baulderstone worksites to spread her safety message and talk openly about her experiences. The messages 'That could have been me and my family,' and 'Working safely is about caring for your family,' are powerful motivators, highlighting the importance of workplace safety. Rohan's tireless efforts in helping her colleagues understand that incidents and injuries are preventable have won a number of awards.

Importantly, after the 'Rohan's Story' program was rolled out across the organisation in 2009 the reporting of incidents and near misses increased. Every company should know about its near misses but, unless reluctance to hear bad news is replaced by cooperation and open communication, it will be too late. Baulderstone has reported that there has been a significant shift in company culture and in fact fewer disagreements about health and safety when a work process is challenged.

There are a number of systemic problems that face many workplaces, including a poor understanding of due diligence—in other words, insufficient understanding of what managers need to know. There are a number of elements to due diligence: (1) knowledge of work health and safety matters; (2) understanding the nature of the operations of the business and the hazards and risks associated with those operations; (3) ensuring appropriate resources and processes are available to address health and safety issues; (4) dealing with information regarding incidents, hazards and risks and responding in a timely way to that information; (5) the processes for legal compliance; and (6) the need to verify the provision and use of these resources and processes.

The kinds of cultural change needed to address these kinds of systemic problems are enshrined in the model work health and safety legislation which has now been adopted by the Commonwealth, New South Wales, Queensland, the Australian Capital Territory and the Northern Territory. Under the model legislation, workers must be given a reasonable opportunity to express their views and to raise work health and safety issues. Workers must be consulted when hazards are identified and risks are assessed and when decisions are made about eliminating or minimising those risks. This is not a regulatory burden; it is common sense and it happens in good workplaces all over Australia today.

And we should not forget the next generation, our future. Each year, tens of thousands of young people start work for the first time. They have their whole lives in front of them. Eager and inexperienced, they need careful training, coaching and helping. Young workers face a higher risk of injury than more experienced workers. None of our future generation should lose their lives before they have really started. In parliament we should echo the labour movement call that 'an injury to one is an injury to all'.
I ask leave of the House to move a motion to enable the member for Farrer to speak for 15 minutes.

Leave granted.

Mr Shorten: I move:

That so much of the standing and sessional orders be suspended as would prevent the member for Farrer speaking in reply to the ministerial statement for a period not exceeding 15 minutes.

Question agreed to.

Ms Ley (Farrer) (17:19): I welcome the opportunity to respond on behalf of the coalition to the minister's statement. There is much that is contained in that statement that we would completely concur with. Every workplace fatality is a true tragedy. Every death in the workplace is a shocking, needless and awful waste of life. Too often it is a young life cut short. We as members and senators in the parliament of Australia should be informed of these incidents, fatalities and tragedies. And we should be obliged to consider what policy responses we might make in the face of the findings of investigative bodies.

I agree with the suggestion from the minister that parliament receive regular reports. The reports that he mentioned and that he has released should be on the reading list of members of parliament. It is just so important, with the subject matter we are dealing with, which is death in the workplace, that we do not get political and that we do not score political points. However, I do need to draw the attention of members to what I believe are some of the flaws underpinning some of what the minister said when he talked about moving towards a safer culture in the workplace.

Underpinning much of what he said are the model OH&S laws which recently passed through the federal parliament. In listening to the minister discuss the workplace, he certainly did paint a picture of what I might call traditional workplaces—farms, factories, shops and mines—where there is an employer and an employee, a boss and a worker. A reasonable listener would think that of course we should have measures to keep rogue employers in check and measures that protect vulnerable workers who might not have received proper training and who might be placed under stressful situations and be pressured to work in unsafe situations, work excessive hours or work with poor equipment and feel unable to speak up. Of course we in Australia should be able to say that we have one of the safest workplaces, generally, in the world. And, yes, a reasonable person would certainly nod their head and say that these things should be taken care of. We do want to have the best workplace safety and we want to be continually improving our workplace safety; that is a good thing. But the reality of the model work health and safety legislation—which the minister mentioned in his speech, talking about its relevance to the subject matter—is actually quite different. For a start, Victoria and WA are out. They have decided it is not for them. The Victorians have said that their system is quite good and that if everybody would like to adopt it then that is fine. South Australia is on hold and Tasmania is delayed.

With the legislation as it stands—and obviously it has not been adopted by every state—there are new obligations that managers are coming to terms with. These include extensive consultations with workers and the election of new health and safety representatives from the shop floor. No-one is saying that the new laws are bad in principle, but their application, which members on this side spoke about in great detail when they went through this parliament, is quite badly flawed. Instead of being how the minister has presented it, in
relation to an employer and an employee or worker, in the OH&S laws the employer is a PCBU—a person conducting a business or undertaking. That is so that other people will be picked up by the legislation. That particularly includes independent contractors or people who may just be doing a once-only job for somebody, as well as volunteers.

The volunteer issue created a great deal of angst, because we could see that it was going to sound the death knell for some of our really good volunteer organisations. The United Church pointed to a small group of women baking Christmas puddings to raise funds for good work. They would be PCBUs under the OH&S laws, as would Meals on Wheels. Scouts Australia has expressed alarm that their employees, so to speak, have gone from 40 to 700 workers under the new OH&S legislation.

The PCBU is a totally new legal concept. It will require 15 years of judicial testing. Prosecutions under these OH&S laws are criminal in nature. The right to silence is waived. Quite honestly, I think these laws have created a monster. And I think it is important to mention them in the context of this debate, because confrontational workplaces do not generate a good safety culture. The minister's approach and the allowing of the union representation to the extent that it is now being ramped up in workplaces is going to generate some further confrontation. But confrontation does not make for a good safety culture. Confrontational unions do not make for happy workplaces. With a background in aviation I can say that there are safety management systems—there is actually a body of work that talks about safety culture. That has nothing to do with the union movement but is about changing the culture in the workplace. Much could be drawn from this to help us in applying the safety management systems that work well in flying organisations to a lot of other businesses in our community.

I would just caution the minister: please do not tie the very sensitive and very emotional issue of deaths in our workplaces to differences on both sides of the chamber. Nobody would disagree, as I said, with a substantial amount of what the minister said; it all makes perfect sense. I, as members know, am a representative of a rural and regional seat, and I know all too well the types of workplace accidents that happen on farms and in small businesses. They happen when people, particularly the owners of those businesses, are under stress. Often the people who suffer the accidents are members of the family, so it is not an issue between employer and employee as such.

So I am only too aware that the agricultural, forestry and fishing industries are over-represented in the tragic statistics of workplace fatalities. As a mother of an electrical apprentice at the time, I was most concerned when he was just starting his apprenticeship that whoever was looking after him did the job properly and that I did not hear that he had been electrocuted in a roof. I wanted to know that the fact that he might not know everything he was supposed to know would not count against him. As I have said this in this place before, I have been a member of three unions; it is not about being anti-union. I recognise the role unions have played in our history in generating safe workplaces. The shearing industry is a good example. That was a very unsafe workplace at the turn of the century and the unions contributed greatly to making it a safer place for people who worked very long hours doing manual labour in very stressful conditions. But these are the arguments of the past. I believe that the union movement today is trying to insert itself too much into the negotiations between employers and employees. I believe this
government is using its occupational health and safety legislation as a platform for union interference.

Earlier I mentioned the importance of training. Training is absolutely vital. It is one of the ingredients in making a safe workplace. The Prime Minister claimed that her occupational health and safety harmonisation was a proud achievement. We pointed out at the time that it actually had not happened at all, and it still has not happened, with not all the states signing up to it. But union fingerprints were all over that legislation at the time. I did speak about the concerns we had around training when that legislation went through the federal parliament. To my mind, the more people who have access to training the better. In 2010 the Safety, Rehabilitation and Compensation Commission introduced restrictive changes, resulting in a reduction in accredited courses of training of 26 per cent. These new guidelines apparently stemmed from health and safety representatives who, given the power that many hold in the workplace, may well have a vested interest in restricting access. So there you have a bill designed for safety that gives power to representatives in the workplace who have a vested interest in training bodies and that restricts and therefore reduces the availability of high-quality training. I cannot leave this debate without touching on the construction industry. The Royal Commission into the Building and Construction Industry created the Office of the Australian Building and Construction Commission. It goes without saying that the coalition believed having a firm cop on the beat undertaking compliance visits helped support a safe workplace and reduced workplace injuries and fatalities. Again, this is a body that the Gillard government is desperate to abolish. Examples of the threats that may confront this industry once more, when we remove the ABCC, were given to the Cole royal commission and they are all on the record.

I would like to conclude by saying I support the bringing to parliament of the reports and investigations into workplace fatalities. We in the coalition wholeheartedly agree, because every death in the workplace is a real tragedy, that if we can do something about it in terms of policy responses then we should. We make that commitment in good faith. However, we also need to point out to the government that the underpinnings of their occupational health and safety harmonised laws are not generating a good safety culture in the workplace. The ability of unions to be involved to the extent that they are is not about safety at all. We stand ready to make Australian workplaces safer places and to protect every worker from accidents and harm.

International Women's Day

Ms COLLINS (Franklin—Minister for Community Services, Minister for the Status of Women and Minister for Indigenous Employment and Economic Development) (17:32): by leave—International Women's Day has always been an important date for me, but this has been a particularly significant week of celebrations as I have participated in my first International Women's Day as the Minister for the Status of Women. This year's theme in Australia was Supporting Women's Economic Empowerment, whilst the international theme was Connecting Girls, Inspiring Futures. It has involved policy launches and vigorous discussions about how women can do more to recognise and celebrate women's achievements and to promote gender equality.

This morning, I co-hosted the Federal Parliamentary International Women's Day Breakfast of UN Women Australia—and
parliament is a good place to start when we're talking about reform to improve gender equality. Today, for the first time in our country's history, we have a female Prime Minister, a female Governor-General, and the highest proportion of women in the ministry, at 26.7 per cent. This is better than the world's average of 16.7 per cent, but there is still unfinished work.

At a news conference last week, during proceedings of the Commission on the Status of Women, Michelle Bachelet, Under-Secretary-General and Executive Director of UN Women, emphasised the importance of women's political participation. She stated that women's participation in politics and the economy reinforces women's civil, political and economic rights and strengthens democracy, equality and the economy. Women's representation in our federal parliament is, in fact, stagnating. Women hold 38.2 per cent of the seats in the Senate and 24.7 per cent of those in the House of Representatives. We as a parliament must work to promote the increased representation of women in politics in the interest of gender equality and women's empowerment.

On this point, I am pleased to say the Australian Labor Party is doing its bit, meeting the target of 30 per cent of women in parliament set by the Beijing Platform for Action adopted at the Fourth United Nations World Conference on Women. Of our party's 31 current senators, 14, or 45 per cent, are women and there are 23 ALP women in the House of Representatives—31.9 per cent of the party's total number of MPs. The smaller representation of women in the lower house does show that women are still missing out on safe or winnable seats. Women's total representation in the lower house fell from the record high of 27.3 per cent in the previous parliament to 24.7 per cent at the last election. Michelle Bachelet's message on the importance of women's equal participation in politics is remarkably cogent for our situation. It reinforces our focus for today—and for every day—which is to break down the barriers to gender equality and to support and encourage women's economic empowerment.

Of course, men and boys have a role to play in gender equality alongside and in partnership with women and girls. The outcome of the 23rd Special Session of the UN General Assembly of 2000 stressed the need to increase research on men's and boys' roles and on the stereotyping of girls and boys. It emphasised that men must take joint responsibility with women for the promotion of gender equality. Women in every part of the world continue to be largely marginalised, often as a result of discriminatory laws, practices and attitudes but also as a result of poverty disproportionately affecting women.

Many women experience financial insecurity throughout their lifetime. We know that women's lifetime earnings are generally less than men's, and that women are much more vulnerable to poverty in retirement. Unfortunately, women in 2012 still struggle to gain senior leadership positions and they earn less pay, have less superannuation, and do more than their share of unpaid work. Recent research has found that closing the gap between women's and men's workforce participation could increase Australia's GDP by 13 per cent—so it is also an economic imperative.

This government is committed to advancing gender equality by supporting women's economic empowerment. The recent introduction of the Equal Opportunity for Women in the Workplace Amendment Bill into the parliament is the latest example of the significant inroads that we are making through our progressive reforms. The name of the new act—the Workplace Gender
Equality Act—reflects our objective for equality for women and men. It will help increase women's participation in the workforce and their economic empowerment by addressing the unequal burden of caring responsibilities. Both women and men will have equal options to balance their paid work and caring obligations. It also focuses on equal remuneration, recognising that closing the gender pay gap is central to achieving equality. That gap, for the record, remains one of the highest in three decades at 17.6 per cent. This government also introduced Australia's first national paid parental leave scheme—giving families the flexibility to make their own decisions about balancing paid work and family life. Around 150,000 families have now accessed the scheme.

We have also increased the rebate for out-of-pocket childcare expenses from 30 to 50 per cent—which is now benefiting around 800,000 families. This reform is having a significant impact on the take-home wages of women returning to work. In 2004, the out-of-pocket costs for a family with one child in long day care and earning $55,000 a year were 13.2 per cent of their disposable income—by last year this proportion had fallen to 7.5 per cent.

We have also made a commitment to achieve pay equity. The historic decision of Fair Work Australia to award equal remuneration to social and community sector workers is a significant advance for women.

Other achievements include amendments to the Sex Discrimination Act to make it unlawful to discriminate on the grounds of family responsibilities, and the introduction of a new Superannuation Roundtable to improve retirement incomes and superannuation.

I was also extremely proud to launch Australia's National Action Plan on Women, Peace and Security at Sydney's Garden Island on International Women's Day. Australia will do more as a global partner to ensure the rights and voices of women and girls are protected and promoted. The plan will also work towards the full involvement of women in the peace process. This plan is the result of a combined effort by the Australian government and non-government organisations and I thank them for their input.

A major barrier to economic empowerment for Australian women is the violence and harassment they experience at home, on the street and at work. The rates of domestic, family and sexual violence experienced by Australian women and their children are unacceptable. To become a stronger and more just society we must ensure women are liberated from living in fear of violence. The Gillard government last year launched Australia's $86 million National Plan to Reduce Violence against Women and their Children. It is a 12-year strategy to reduce the amount of violence in our communities, to support survivors of violence and to prevent violence.

But, just as we celebrate advances, we are all too often reminded of how far we still have to go for women and girls to receive the respect and be treated with the dignity they deserve. This morning I announced that the Australian government is providing the Australian Red Cross with an additional $1.2 million to help victims of human trafficking, under the Australian government's Support for Trafficked People program. The tragic reality in 2012 is that trafficking exists and we must ensure survivors receive the compassionate and practical care they need to help them heal and rebuild their lives. Most victims have been women working in the sex industry but an increasing number are being brought to Australia for forced marriage. Forced marriage has no place in Australia and that is why my colleague the
Attorney-General is introducing laws into parliament to criminalise the practice. I thank the Australian Red Cross for the remarkable job it does in helping victims recover from the trauma of human trafficking. This extra funding brings the Gillard government's support for the Red Cross program to $4.22 million over four years.

Much has changed since the first International Women's Day in 1911. In the past 50 years, women's workforce participation has risen from 34 per cent to around 60 per cent. There are 5.2 million women in jobs in Australia today, comprising around 46 per cent of the workforce. Australia is at the forefront of global efforts to achieve gender empowerment. There is a groundswell of support—particularly in businesses and in industries that perform well, as they come to realise the benefits that gender equality confers.

The Gillard government is redressing the economic imbalances women have inherited over centuries, by combining good economic policy with innovative social policy. I look forward to continuing to work with employers, unions and non-government organisations to promote and advance gender equality for all women in Australia. And I look forward to next year's report on International Women's Day being one of more achievements and progress.

I ask leave of the House to move a motion to enable the member for Farrer to speak for nine minutes.

Leave granted.

Ms COLLINS: I move:

That so much of the standing and sessional orders be suspended as would prevent Ms Ley speaking in reply to the ministerial statement for a period not exceeding nine minutes.

Question agreed to.

Ms LEY (Farrer) (17:41): I am pleased to respond to the statement by the Minister for the Status of Women reflecting on some of the themes and actions around International Women's Day. It is a day that provides the opportunity for all of us to reflect on the freedoms that we enjoy in Australia. Too many women around the world are denied the opportunities that Australian women may take for granted every day. Whilst we have come a long way on our quest for gender equality, we have some way to go. There are portions of what the minister said that I agree with wholeheartedly. I would certainly concur with my female colleagues here that we do, as a gender, in many respects, in many theatres of the world, particularly in the developing world, have a long way to go.

In my life before politics, I first trained as a pilot. Regrettably, in those days the major airlines refused to hire female pilots, so my dreams of piloting a 747 have not been realised. I should add that I possibly was not up to the mark either. I do not want to present it as: 'I should have and I didn't.' Fortunately, in my political career I have never felt hindered as a result of my gender. I am a member of a party that promotes its people based on merit, not mandate, and for this I am very thankful. I have to question the validity of advancing gender equality through the mechanism of quotas. I agree that we should have more women in key decision-making roles. I would love to see more women on the boards of ASX 500 companies. However, quotas are not the solution and may in fact work to have some believe that women are only in their positions to meet a target.

Every time I meet a woman who is in a position because of a quota or because there is an understanding that 'We've got a board of 11 people; we'd better have one woman,' they are of course always totally capable and should have got there based on aspects of
there is often an unwritten gender equality requirement. That is something that the government are pushing; they are not necessarily writing it in black and white, but they are making agencies report very strongly around it. I do not think that is helpful. I think it is actually going to make the women who end up in those positions feel somehow devalued. Let me emphasise that, every time I meet them, I know that there should be several more of them on their particular boards.

We need to realistically consider why women are not currently filling these roles. It is certainly not a lack of education or ability. Instead the problem often arises when women take time out to start a family

When preparing to return to work, many realise that the available childcare options may not suit their work schedules or may be cost prohibitive. We need the appropriate support structures in place to ensure that women can return to work.

On this 101st anniversary of International Women's Day, the focus in Australia is on economic empowerment for women. Economic empowerment is critical to ensuring a society where gender equality is not just a catchphrase but a reality. The coalition is committed to economic empowerment. We have proposed a paid parental leave scheme that will provide real economic benefit. Not only will our scheme provide women with replacement income for 26 weeks but it also provides for superannuation. Research indicates that Australian women retire with 40 per cent less superannuation than men, indicating a significant gender imbalance. A large part of this disparity stems from the time that women take off to have their children. By incorporating superannuation into paid parental leave we go some way towards addressing this. If this government were truly committed to pursuing gender equality they would match the coalition's commitment to mandatory superannuation contributions as a component of their Paid Parental Leave scheme. Indeed, if this minister and this government want to prove their commitment to equal remuneration, then I would certainly applaud this as a small step. Remuneration is not just what is received in one's pay packet but what sets you up for your retirement. I would further applaud them if they did adopt the coalition's proposal for paid parental leave—granting that replacement wage for 26 weeks, just like an annual leave entitlement, a long service leave entitlement or a sick leave entitlement. Alas, I fear that this government is all talk and no action on the topic of equal remuneration. The gender pay gap remains real and large in this country and is currently at a 30-year high.

Yet, really, despite the challenges we face, they pale into insignificance when compared to the struggle faced by women in other countries. In many countries across the globe women face challenges that we can scarcely imagine in Australia. Boys are often far more prized than girls and sex selective infanticide is still practised in a number of countries where parents want only male heirs. In other countries women are denied the right to an education. In Afghanistan girls have been killed or tortured for attending school and teachers executed for daring to educate women. The United Nations theme for this year is 'Empower Rural Women—End Hunger and Poverty', and education will be a critical pathway towards reducing the gender gap.

In addition to limited or no education opportunities, women in developing countries often struggle to access credit. Fortunately, organisations such as Grameen Bank have helped to increase access to funds. Ninety-seven per cent of Grameen
Bank's clients are women. Certainly this is a step in the right direction for empowering women in the developing world. Countries like Australia have an important role to play. As a nation we need to voice our concerns at human rights abuses, wherever they may occur. The Leader of the Opposition, the member for Warringah, has pledged that, when elected, a coalition government will increase the number of women-at-risk visas in Australia's refugee intake, with a minimum of 1,000 places a year dedicated for women and their dependents who are at risk. These are some of the most vulnerable women, women who have been subjected to the most horrific lives or to torture and suffering.

As a country Liberal, and being very proud of my electorate of Farrer, I want to mention the women of Farrer in a special way today. Parts of my electorate are currently under water. Sixty homes in Lockhart flooded, the entire township of Urana was told to evacuate and a quarter of the houses in The Rock were inundated with floodwater. Yet the communities stand firm, women beside men, demonstrating a stoicism that has been born of a lifetime of struggles on the land. The women in these communities are a true inspiration. They have an ethos of courage and compassion. It is women like these women of Farrer who have helped empower generations of Australian women. I thank them and admire them.

I would like to end today by reiterating my concern for the setting of targets and quotas as a means for achieving gender equity. We would be far better placed progressing gender equity through education and a changing of attitudes. Sexism does still pervade some workplaces, but we have come a long way. Women made up 58 per cent of the domestic students in higher education in 2009. Women are increasingly taking up opportunities to work in formerly male dominated industries, such as mining. We still have work to do, but we can be proud of how far we have come.

COMMITTEES

Treaties Committee

Report

Mr KELVIN THOMSON (Wills) (17:49): On behalf of the Joint Standing Committee on Treaties I present the committee's report entitled Report 123: Treaties tabled on 13 October, 2, 22 and 24 November 2011.

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

Mr KELVIN THOMSON: by leave—

Today I present the Joint Standing Committee on Treaties' Report 123, which contains the committee's views on a series of treaties which were tabled on 13 October 2011 and 2, 22 and 24 November 2011. One of the more important treaties covered in this report was the agreement to extend the existing agreement between the government of Australia and the government of the United States of America concerning the conduct of scientific balloon flights for civil research purposes until 2022. The agreement provides NASA with the use of facilities and services for balloon launchings and recoveries in Australian territory, tracking and transmission of information from each balloon, and the recording and sharing of information from these flights.

Australia has derived significant scientific and economic benefits from activities conducted under the 2006 agreement, especially through encouraging collaboration between Australian and NASA scientists. The Australian scientific community supports continued participation in NASA's balloon program. Australian scientists have also flown their own experiments or have
been collaborators with other scientists. Extending the agreement will enable Australian scientists to continue this research and will further ensure that Australia remains entitled to receive data from these experiments.

In April 2010, a NASA balloon became involved in an accident at launch, and although no-one was injured or killed this appears to have been essentially the result of good fortune. The committee was very interested to hear what measures had been put in place to ensure such an incident was not repeated and from the evidence presented during the inquiry it appears that appropriate corrective procedures have been introduced. Notwithstanding the events of April 2010, the agreement facilitating scientific balloon launches by NASA in Australia is of positive benefit to Australia. The economic, scientific and political benefits certainly justify continuing this relationship. The treaties committee has also approved a series of other treaties, including:

- two agreements amending the International Convention for the Prevention of Pollution from Ships;
- an agreement between Australia and the European Space Agency on space vehicle tracking;
- four tax information exchange agreements; and, finally,
- a social security agreement between Australia and the Republic of Latvia.

This social security agreement provides for improved access to Australian and Latvian retirement benefits and greater portability of these benefits between the two countries. Improved access to benefits is an underlying principle of bilateral social security agreements where the responsibility for providing benefits is shared. Under this agreement, residence in one party's territory will not affect a person's entitlement to benefits under the legislation of the other party. People who move between Australia and Latvia will be able to do so in the knowledge that their rights to benefits are recognised in both countries.

The committee concludes that all the treaties covered in Report 123 should be supported with binding action. On behalf of the committee, I commend the report to the House.

**BUSINESS**
**Rearrangement**

Ms BIRD (Cunningham—Parliamentary Secretary for Higher Education and Skills) (17:53): I move:

That order of the day No. 4, government business, be postponed until a later hour this day.

Question agreed to.

**BILLS**

Road Safety Remuneration Bill 2011

Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011

Second Reading

Cognate debate.

Debate resumed on the motion:

That this bill be now read a second time.

Mrs PRENTICE (Ryan) (17:53): Road safety is a major issue in our country. Australians were outraged when 521 of our servicemen were killed in the Vietnam War between 1962 and 1975. Yet in less than twelve months on Australian roads last year more than 1,290 lives were lost, more than double the deaths in one year on Australian roads than in more than 12 years of war.

Today I rise to speak on the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011. The
coalition is committed to improving road safety in the heavy vehicle industry and making roads safer for all road users. Indeed, the coalition has a record of supporting measures which improve conditions for drivers. It was a coalition government which created, implemented and delivered record funding levels through the AusLink program. It was the coalition which developed and promoted the crucial Roads to Recovery program and the Black Spot Program after the Keating government had cancelled it. And it was the coalition which committed to spending $100 million over five years on 100 rest areas on the AusLink network. The latter was as a result of a recommendation calling for higher quality rest stops for heavy vehicles, which came from an inquiry chaired by my colleague the member for Hinkler which delivered the report Beyond the midnight oil. It was an inquiry into managing fatigue in the transport industry. I take this opportunity to pay tribute to my colleague the member for Hinkler for the dedicated and relentless work he has put in for more than a decade to improve safety for all Australians on the road.

Despite the increased number of trucks on the road and the increased distance they travel, numbers of deaths from crashes involving articulated and heavy rigid trucks have decreased. In fact, the NSW Roads and Traffic Authority has concluded that heavy vehicle drivers are at fault in only 31 per cent of heavy vehicle crashes, with the remaining 69 per cent a result of other road users. Of course, even one death is one death too many.

The Road Safety Remuneration Bill was appropriately referred to the House of Representatives Standing Committee on Infrastructure and Communications, because most people agree that there is a direct correlation between road safety and the standard and condition of our roads and highways. Sadly, however, this bill is not about road infrastructure, badly neglected by successive Labor governments in Queensland for more than 20 years. No, this legislation is about establishing a new Road Safety Remuneration Tribunal, which is to be given broad powers to investigate and set pay rates and conditions for any segment of the heavy vehicle industry.

No-one doubts the difficulties involved in driving and managing heavy vehicles. During the hearing held by the committee, the Transport Workers Union of Australia raised many varied examples of their members' needs and experiences. One example given was about the Brisbane City Council, which they praised for entrenching driver conditions as part of its garbage contract. In the lead-up to that contract being finalised, I spent five hours in a garbage truck observing firsthand the difficulties experienced by drivers, not the least of which was as a result of the previous Labor Lord Mayor's insistence on an unworkable dual bin truck system.

That firsthand experience is one of the reasons the coalition members tabled a dissenting report—because we know that a one-size bill does not suit all cases. It is very difficult to legislate for conditions which vary so much depending on different driver situations. We are concerned about so-called 'jurisdictional creep', which has seen the proposed bill extended to include intrastate courier operators, which is not supported by the evidence. We also do not believe that adding another layer of bureaucracy will improve safety outcomes but believe rather that it will lead to increased costs for industry and consumers.

This bill proposes to set up a new body and to implement new regulations and new restrictions. This bill and the associated amendments will simply cost taxpayers
millions of dollars without any appreciable benefit for the road transport industry. There are already existing laws in each state, and even the Queensland Labor government opposes this bill. Members on the opposite side of the House regularly come into this chamber and say that they are 'listening' to the needs of both business and workers. This bill is further evidence that they are really not listening at all.

As a member of the Standing Committee on Infrastructure and Communications, I would like to express my appreciation to the hardworking secretariat. To Julia Morris, Kilian Perrem, Susan Dinon and Peter Pullen: thank you for your support and assistance. To everyone who made submissions, and especially those who attended the public hearing on 15 February, I thank you for your contribution. Through this process, many concerns were raised about what this bill will achieve—and we were listening.

I would therefore like to reiterate to the House the comments I made in conjunction with my coalition colleagues in the dissenting report. We understand and appreciate the original intention of these bills. We acknowledge the important work that is required to ensure that the safety and welfare of drivers is seriously considered by this parliament. We do not, however, believe that these bills appropriately address these considerations.

The government have indicated that they intend to move some amendments to this bill. It is a shame they could not manage to table them before we started to debate the bill. Indeed, I trust they now take on board the points raised in our dissenting report so we can support them. Wherever there is a move to improve safety that will truly be beneficial to drivers and to the community at large, the coalition will support such a move.

At its core, this bill will establish the Road Safety Remuneration Tribunal, which will be handed very broad powers to investigate the heavy vehicle industry and dictate the pay rates and conditions for its workers. The heavy vehicle industry itself constitutes long-distance operations, the road transport and distribution industry, the cash-in-transit industry, the waste management industry and all other road transport drivers. In doing so, it would also add to the purview of the tribunal all road transport drivers, including independent contractors. The government would then appoint to the tribunal members from Fair Work Australia. It would also comprise industry members. The tribunal could then issue orders, stipulating minimum remuneration and employment conditions, and control other industry practices such as waiting times, working hours and load limits.

There are two main reasons I oppose the main bill. Firstly, it will not perform as it was intended to perform, and it will not make the roads safer in this nation. Secondly, it creates a new layer of bureaucracy and adds to jurisdictional creep between state and federal legislation, decreasing flexibility in the industry and increasing red tape. When will this government learn that you cannot fix problems by more bureaucracy!

In the dissenting report, the coalition noted the lack of evidence that increases in remuneration will lead to an improvement in road safety outcomes. It is a merely an assertion by the government. It is also an assertion that is not even backed up by the government’s own regulatory impact statement, which says 'data at this point in time is limited and being definitive around the causal link between rates and safety is difficult'. We need to be very specific here before we go about restructuring an industry. It is easy to say that remuneration rates and safety are linked, but that is not an argument per se to suggest that current remuneration
rates or conditions are inadequate. Indeed, during the inquiry I noted that, even if all workers were paid at what they might consider a reasonable rate, there would still exist the competition between workers to succumb to the pressure of delivery time limits. At the margin—at the level of the individual worker—it would be difficult to determine at what level a worker suddenly decides that they are being paid enough. Every worker would like to be paid more, but it would be difficult to determine at what level a worker suddenly decides that they are not going to push through their fatigue and keep driving or when completing the job in less time no longer seems an attractive proposition. We cannot aggregate the risk attitudes of every driver in this industry and come up with a one-size-fits-all policy and regulation that will ensure safety.

The member for Bradfield also questioned during the public hearing whether a worker has time and income preferences such that they may actually decide to work the same number of hours at a higher pay rate, thereby continuing the effects of speeding and fatigue on road safety. This should also be considered in the context of the regulatory scheme under which the transport industry currently operates, and that leads me to my second issue, which is the jurisdictional creep these bills create. Currently, we have rafts of legislation at both the Commonwealth and the state levels that either directly or indirectly cover the road transport industry. Not only are these workers and their conditions subject to the Fair Work Act and its related Modern Award principles; they are also subject to workplace health and safety legislation and independent contractor legislation. There are already existing laws that apply to things like wages, conditions, vehicle standards, fatigue, speed, substance abuse, record keeping and other driver obligations.

Some, including the TWU, have argued that the current regulations are not working. But, if we take a step back and look at the entirety of what is happening in this industry, we see there have been huge reforms passed and many are in the early stages of implementation. We must consider the steps that have been taken more recently to address the specific concerns in the industry. There is the new national initiative, the National Heavy Vehicle Regulator and the national heavy vehicle law, the national fatigue management rules and the upcoming national chain of responsibility measures. These initiatives are designed to specifically address many of the safety issues. For example, the National Heavy Vehicle Regulator will commence its operations from 1 January 2013. It has been developed through many years of consultation through the Coalition of Australian Governments process, to harmonise confusing and conflicting regulations. The regulation includes a national chain of responsibility measure that will make companies directly responsible for unsafe driver behaviour. This regulator also has provisions that relate to, for example, fatigue management. The New South Wales submission to the inquiry commented that a new tribunal could, in fact, make orders that are inconsistent with the national heavy vehicle law.

For the last decade Australian governments have been trying to untangle the very confusing situation in this industry. These bills will be the fourth layer of regulation covering driver fatigue in New South Wales. Today's bills will completely undo the good work that has already been done in this area. It is also important to consider that the main bill will make the industry far less flexible and reduce its ability to adapt and respond to changing circumstances. In this industry flexibility is paramount given the huge dependence on
fuel prices and the inherent volatility of global oil prices. In the previous five years to June 2011, productivity gains slumped to only 0.6 per cent per annum. A new tribunal and its road safety remuneration orders will stifle efficiency gains and innovation, reflecting the top-down wishes of the tribunal instead of current conditions which allow the industry to respond to changing conditions.

The dissenting report notes that evidence was submitted to the committee regarding a particular focus on improving road infrastructure, an increased focus with which I agree. Road transport workers have had to drive on insufferable roads for too long. I note that in Queensland the Bruce Highway has been allowed to fall into a state of disrepair by successive state Labor governments. Constantly besieged by natural disasters such as what we saw during the big wet season last year, it can be cut off for inordinate amounts of time. Fortunately, the LNP in Queensland under Campbell Newman have compiled a crisis action plan as a fundamental priority for the main highway of the state, should they win government. It is this kind of constructive action that will make an appreciable difference for road transportation industry workers and all Queenslanders.

At a federal level, the coalition recognises the importance of maintaining our national road network to ensure that our roads are accessible and safe. Since we proudly initiated the Roads to Recovery program in 2001, local councils have been able to maintain and upgrade local roads. At the last election we proposed the restoration of the strategic regional roads program which supports regional connections and creates jobs. It would mean a further $351 million for the health of the regional economy and the safety of those servicing these regional areas. These are real, important measures that the government can implement to ensure that we diminish any factors that may contribute to crashes.

To conclude, today's bills are a reflection of the power that unions have over this Labor government. The onus to prove that there is a causal link between the level of remuneration at the margin and safety on the roads has not been met. So even if I were prepared to accept that premise, we already have a raft of legislation in the states and the Commonwealth as well as new measures, some as yet untried, that have actually had proper consideration through the COAG process. These bills will simply undo all that hard work and further complicate the industry.

Mr CHAMPION (Wakefield) (18:06): It is with great pleasure that I rise to speak on the Road Safety Remuneration Bill 2011, which is being debated cognately with the Road Safety (Consequential Amendments and Related Provisions) Bill 2011. At the heart of what we are debating here today is competition and how competition should be regulated. Competition is generally beneficial thing. It improves quality, it generally makes firms more efficient and it provides benefits to consumers. Generally speaking competition is a fine thing. That is why we hear so many economists and so many politicians talking about it so often. You will often hear people singing its merits. But competition does have to be regulated appropriately. It is important in any game to have an umpire and a fair set of rules so that people play fairly.

We have known for some time that the transport industry does need special regulation if it is to be safe and, in particular, if people are to be treated appropriately and with dignity and if people are to be remunerated properly. This is because, although competition generally acts to have a
positive effect on our economy, in this area it does not. The reason it generally does not act in a beneficial way in this industry is that we have a race to the bottom. That is what you get with competition in the transport industry. That is because we have two dominant players, Coles and Woolworths.

I had many dealings with Coles and Woolworths when I was in the retail union and in the retail industry. They are generally good employers. They have good sets of wages and conditions, particularly when you compare them to those of the rest of the world, but they are very tough on the people who deal with them. They are tough on suppliers and tough on people who sign contracts with them. I had some personal experience of this when I was a trolley collector. There was the same race to the bottom in trolley collection that we have seen in other areas of the retail business. Periodically, a contract would be put out for trolley collection services for Coles. In my case it was Coles Burnside, so I worked in a very well-to-do part of Adelaide. Contracts would be let and people would bid for those contracts, and it would simply come down to the price. That is what Coles looked for. There is not much of a quality issue in trolley collection: you either collect the trolleys or you do not. I was a young uni student at the time. What they generally compete on is wages. If there is not fair regulation of those wages then you will pretty soon find a race to the bottom. That is what happened in trolley collection in South Australia.

We had a situation where the Caretakers and Cleaners Award applied, because generally the company that did the cleaning of the store did the trolley collection. Then some bright spark discovered that, if you split those two services, you were no longer bound by the Caretakers and Cleaners Award. What pretty soon happened is that trolley collection in South Australia became award-free. I was employed under the Caretakers and Cleaners Award in 1994, getting something like 11 or 12 bucks an hour as a casual rate. My employer did not pay any overtime and he did not pay the penalty rates he was supposed to. That is why I joined the union at the time. We found that once those companies became award-free, once they did not feel even nominally obliged to pay the award rate, wages fell to $5 or $6 an hour—and they fell very quickly, almost overnight. So you had people earning $5 or $6 an hour collecting trolleys out the front of Coles and Woolies all over the state of South Australia. You still see this today. Fair Work Australia is to be commended on some of the underpayment matters they have dealt with since award protection has been extended to those workers yet again. So I have seen what happens in a race to the bottom situation with Coles and Woolworths. Again, I am not particularly seeking to demonise them. If someone stumps up a low contract price, they would be fools not to take it. But if, in that low contract price, you are building in unfairly low wages then that is something that the whole community should be concerned about.

We have seen this in the transport industry as well. It is an industry where you have owner-operators who do 60 per cent of the work and receive about 11 per cent of the income. We know that they are the people at the end of the chain, the people who get squeezed. Whenever people talk about efficiency or productivity in the transport industry, we know who is providing that. We know who has to work longer and work harder. There are not that many efficiency gains you can make in transport. At the end of the day you can squeeze the lemon only so hard. There are only so many costs you can reduce without starting to cut into your wages and other conditions at work. That is
why we see that speed is a problem. It is not that drivers want to speed; it is that they have to to meet the conditions of their contract. It is not that they want to work long hours and be away from their friends and their families to do inordinate hours on the road; it is that they have to do long hours. It is not that they want to drive in a state of fatigue; it is because the contract requires them to. That is what this situation, this race to the bottom, generates. Of course no driver would voluntarily use illicit drugs. You would not want to think they would. It is the pressure they are put under, the economic and financial pressure, to meet payments on a truck, to meet the conditions of a contract and to try to get by in what is a cutthroat industry where someone is always going to try to cut in a little bit lower, push the envelope a bit harder, squeeze the lemon a bit tighter—or at least they think they can. Those are the sorts of tough conditions that will predominate in this industry if it is to be unregulated and if fair rules and a fair umpire are not to preside over it. We all have plenty of anecdotal stories, we have all heard them, about people who have bought trucks and have to pay banks, who have to meet the conditions of contracts and feel obligated because they are in so much debt—they are pursuing a legitimate dream that a lot of Australians have, which is to be their own boss and chart out their own economic future. It is hard to do that in an industry which is so cutthroat.

This parliament has an obligation to at least address this very difficult issue. It is not an easy issue to deal with through laws or regulations. It is still something that is going to require individuals to avail themselves of the rights that we are giving them. It will still take a strong trade union movement in this industry to make sure that these important intentions of the federal parliament are actually implemented, because we all know that once these sorts of cultures predominate they tend to be very hard to stamp out.

We know the road toll in this country takes a very bitter toll on the community, and we know that politicians on all sides want to reduce that toll. We have been very successful in doing so through regulation, through laws on drink driving, laws about drug driving, laws about seatbelts and laws about speed. Many of the same arguments that are made against this law, spurious arguments, have been made about those initiatives, but we know that they lower the road toll and lower the cost to the community. That cost is something like $2.7 billion, so it is a huge cost. In my own state of South Australia, we have seen some terrible accidents. I remember one a few years ago—this is a pretty graphic example of what we are talking about here—where a truck ploughed into a couple of cars and the driver was found to have been taking methamphetamine, or some sort of amphetamine, which had been given to him in his pay packet. So, you got your pay envelope, and in your pay envelope were the pills that you took, presumably to stay awake on the road and to meet the competitive pressures of the contracts that you were under. We have had some graphic examples in South Australia. That was probably five or six years ago, maybe a bit longer, but it is a very graphic example for the House about the problems in this industry.

I have been lobbied on this a fair bit over the years by the Transport Workers Union, including by Ray Wyatt and others in my state, who put forward a pretty passionate case. The TWU are not backwards in coming forwards, as my mother used to say. But the strongest stories come from the owner-drivers themselves, from the blokes who do the job on the road. These people have to load at transport yards and often have to put up with very long lines at retail warehouses
and they get frustrated at those long lines. They have to put up with delays on our roads and meet pretty tough contracts as well. They have always been the most compelling advocates, I think, of this law.

To conclude, competition must be regulated in certain instances so that we do not have a race to the bottom. A race to the bottom is perhaps the worst form of competition that you can have. It means that the externalities, which in this case are the terrible road toll and the health, safety, welfare and wages of truck drivers, are put at risk if we have competition. They are the things that are not priced in if we have this sort of cutthroat competition at the bottom end. So competition must be regulated, it must have fair rules and it must have a fair umpire. These bills, the details of which have been spoken about for the House's benefit so I will not go over them again, are important not just for the transport industry but also for the people who drive on the roads. We want our truck drivers to be fairly remunerated. We want those owner-drivers who are the most entrepreneurial of small businessmen to be fairly compensated for their time and labour and the risk they take in borrowing money to buy trucks and the like. It is a risky endeavour and they should be compensated appropriately. This bill does that.

I just say to those opposite, I remember a quote from an old union man who was interviewed in a documentary about Red Ted Theodore. This old union bloke, who had been Red Ted's campaign manager, said, 'The conservatives have only ever had one idea—feed the donkey less and whip him harder.' My enduring hope is that the conservative parties do not revisit the rules they had in the 1930s, but rather follow the civilised capitalism of Menzies, the civilised liberalism of Menzies that my grandfather loved so much. I did not always agree with my grandfather, but he was a civilised conservative and I live in hope that the other side can perhaps find it in their common sense to support this commonsense bill.

Mr McCormack (Riverina) (18:21): Road safety is of paramount importance right across Australia, particularly in regional areas where every highway, byway and single lane country road is regularly used by trucks and semitrailers. These heavy vehicles carry fresh food from paddocks, grain from silos, fuel from refineries, livestock from saleyards and resources from mines. If it needs to be carried, carted, dumped, hauled, moved, shifted or transported, there is every likelihood a truck or trailer will be the most economical, fastest and most reliable way of getting it from point A to point B. Tarcutta, in my electorate of Riverina, is on the Hume Highway midway between Sydney and Melbourne and has long been popular in the trucking industry as a stopping and changeover point for drivers. The Australian Truck Drivers Memorial, dedicated to truck drivers who have died on the Hume Highway as well as around the country, is situated in a park at Tarcutta. Established in 1994, the memorial contains hundreds of names of truckies who never made it to their destination. Many of those truckies are locals: drivers missed forevermore by partners; fathers whose children never really got to know them; truckies gone before their time. We mourn for them. We know what an important role they played in our transport industry. We appreciate the contribution they made in keeping Australia moving. We feel for their families and the colleagues they left behind.

Truck driving is a tough occupation. It takes a dedicated individual to keep on trucking—long hours, time away from home, days without their daily creature comforts that others take for granted, high expectations, tight deadlines. It is a high pressure job. Truck driving demands
commitment, diligence, discipline and unwavering concentration. The consequences of a momentary lapse in judgment or of concentration can be catastrophic. We have all seen the dreadful and heartbreaking television footage and newspaper images of what happens when trucks and cars collide. We all want the road toll to be reduced. We all want loved ones—professional drivers and any road users just going about their daily lives, shopping, mothers taking children to and from school, tourists, whatever the case might be—to return home safely.

The Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011 will create a new tribunal, empowered to inquire into sectors, issues and practices within the road transport industry and ensure mandatory minimum rates of pay and related conditions for employed and self-employed truck drivers. Since being elected in 2007, the Labor government has been steadily moving towards the introduction of so-called 'safe' rates in the heavy vehicle industry after a long and drawn-out campaign by the powerful Transport Workers Union.

A safe rate, according to the union, is a proposal for an enforceable rate of remuneration for transport workers, determined by the government or other body deemed appropriate, to reduce accidents involving the heavy vehicle industry. But no real research has been done to prove beyond doubt that there is a link between payment to truck drivers and road accidents. The very fact that carriage of this legislation has moved from the Minister for Infrastructure and Transport to the Minister for Employment and Workplace Relations exposes the real agenda behind these bills.

This is about giving trade unions more power over the transport industry and control over drivers. In time, this will filter through to cover all forms of drivers—courier drivers, mail contractors and the like. There is no causal link between money and danger to drivers. The government has revealed, only in the past hour, amendments which were apparently approved by the Labor caucus—when it was not quelling internal ructions—a fortnight ago. The lateness of these amendments is unsatisfactory and is a complete rejection of the alleged new paradigm under which this parliament is supposed to be operating.

The transport minister and the Transport Workers Union say these bills will improve safety in the road transport industry, claiming the support of Linfox, 'other good companies'—as the minister termed them, and the Australian Livestock and Rural Transporters Association to back up their argument. The purported link between pay rates and safety outcomes has been heavily questioned by the Australian Chamber of Commerce and Industry, Australian Industry Group, Australian Logistics Council, New South Wales branch of the Australian Trucking Association and the Toll Group. The Australian Livestock Markets Association is opposed to these bills because the legislation will cover its members for services which they provide gratuitously but, if these bills are enacted, they will stop doing or will have to impose a charge for.

In his 1 March media conference, the Minister for Employment and Workplace Relations—also known as the minister for trade union empowerment—said:

It isn't good enough, and this country is smart enough to prevent a set of circumstances where drivers are rushing to fulfil unrealistic deadlines, they're perhaps required not to be paid for waiting time. They get very low rates of pay—some are around the order of $30,000 a year, which is
barely the minimum wage in Australia. Sometimes, in order to meet the very tough deadlines, they have to take illicit substances. We think we can make safer roads for our drivers and their families, but we also believe that safer rates mean safer roads for all Australians.

Truck drivers do not have to take illicit substances. Some might choose to do so, and that is indeed unfortunate and dangerous for themselves and other road users. But the minister used very emotive language to push his message which does not paint an entirely accurate picture of the real situation. To suggest truck drivers get, as he put it, 'very low rates of pay' is perhaps using too broad a brush. Those earning only $30,000 per annum would, I suggest, be working only very casually, certainly not full-time, which was the inference the minister was making.

These bills have been criticised on a number of fronts. No connection has been made between pay rates and road safety. These bills establish another bureaucracy and will mean more red tape for businesses already bound by some of the most stringent and complex regulation in the country. These bills undermine the concept of an independent contractor. The bills' definition of road transport is way too broad. What area of the transport sector will the legislation, if passed, reach? The bills undermine other legislation being developed, including the National Heavy Vehicle Regulator and national occupational health and safety laws. The scope of road safety remuneration orders is also too broad.

These bills will generate additional confusion in the industry as, constitutionally, they will cover only 80 per cent of employee drivers and 60 per cent of owner operators. I note the member for Ryan spoke of the need for additional road funding to promote road safety. She is, of course, very correct. Governments serious about road safety ought to be doing more to improve roads and I call on federal Labor to do just that. The member for Gippsland wrote to transport companies within his electorate to canvass their views about these bills. They expressed their fears about the costs of such measures as well as doubts about the real reasons behind the moves. Freight-carrying companies in the Riverina share these genuine concerns about costs and hidden agendas.

The member for Wakefield spoke of drivers having to speed to meet what he called cutthroat competitive deadlines. With the point-to-point average speed cameras for heavy vehicles and fixed and mobile radar these days, such drivers will not last long in the heavy vehicle industry. These bills will no doubt carry a hefty wage hike for small trucking firms and the like. These companies are already finding their bottom lines stretched to the limit, particularly in regional Australia. Last year's live cattle export fiasco hit the transport industry in western and northern Australia hard, and the carbon tax from 1 July will make another severe dent in profit margins. As with much of its legislation, the government wants to push these bills through so that they are functioning by 1 July 2012. Given the limited number of parliamentary sitting weeks before that date, the government is again rushing through legislation and failing to appropriately assess the concerns of industry.

Mr HUSIC (Chifley—Government Whip) (18:31): Regardless of our positions in this chamber, everyone would agree that it is fundamentally the right of every single person that if they leave for work safely they should return home safely. It is simply inconceivable that anyone could disagree with that proposition. However, how do we guarantee that—and I am mindful of some of the comments by the member for Grayndler and Minister for Infrastructure and Transport—when we are told that truck...
driving is the most dangerous industry in Australia by a factor of 10. The costs of these deaths to the country is about $2 billion per year.

In the 12 months to June last year there were 210 fatal crashes involving trucks. Again, we say that when people leave home they should be able to return home in the same way they left—safely, in one piece. But heavy trucks account for 2.5 per cent of all vehicle registrations and 7.5 per cent of vehicle kilometres travelled, but they are involved in 15 per cent of all fatal crashes. The official record keeper, the Bureau of Infrastructure, Transport and Regional Economics, says that speed, drugs, alcohol and fatigue are often to blame. I also turn to the fact that the situation continues to get worse, not better.

I am mindful of the submission that the Transport Workers Union made to the inquiry into the Road Safety Remuneration Bill 2011 and the Road Safety Remuneration (Consequential Amendments and Related Provisions) Bill 2011. In their submission they say:

No other industry is responsible for 330 deaths in a year. No other industry injures 5,350 people per year at the rate of 31 per day. This is an industry in the midst of a severe crisis in safety.

It is simply not getting any better because, if you look at the three years to March 2010, fatal crashes involving heavy, rigid trucks increased an average of 0.3 per cent a year. It may sound like a small amount to others, but if you are involved in that, if you are part of that 0.3 per cent and there is a family that is affected by that, you feel that in a major way. Each road death costs approximately $1.7 million. Each injury in an accident costs over $408,000. When you look the social costs of those deaths, injuries, illnesses and family breakdowns and at the pain and suffering, at some point someone has to pay for this. It is a huge burden, not just in an economic sense but in a social sense as well.

Is it getting any better? You only need to turn to some of the recent incidents. These were picked up in the Daily Telegraph where it was quoted that earlier this year people had been found to be tampering with the speed limiters that prevent them from going over the speed limit. Trucks exceeding 115 kilometres per hour could be pulled over immediately. There have been incidents where people have been found to be tampering with their trucks for no other reason than to meet deadlines and ease the pressures that are on them. There is wide community recognition of the problem, and we have had countless inquiries. I would liken it to an excuse for inaction. People understand and get the simple proposition that if we improve safety in the trucking industry we make roads safer for everyone—for the people who travel on those roads but, importantly, for people in the trucking industry and their families.

In 2008, the National Transport Commission—the NTC—investigated the issue of safe payments in the road transport industry and their work spurred the development of these bills. It aimed to provide a valuation with recommendations for the improvement of truck driver payment methods, working conditions and career structures to address safety issues. The widespread concern is that risks are taken and that safety is compromised to meet the demands of the job or to secure pay outcomes. One statistic that flawed me was the one that suggested that about 30 per cent of owner drivers are paid below the award rate. No-one else would accept that. If anyone else in the general community was paid that amount of money there would be an uproar.
Again, I refer to the submission made by the TWU where they had a survey conducted last year that illustrated some of the dangerous on-road behaviours. Forty-eight per cent of drivers report almost one day a week in unpaid waiting time, and for delivery drivers it is more than 10 hours a week. Fifty-six per cent of owner drivers have had to forgo vehicle maintenance because of economic pressure and the need to keep working and the high cost of repairs. Another 27 per cent felt they had to drive too fast, and nearly 40 per cent felt pressured to drive longer than legally allowed. This is what people are saying directly from the industry, the pressures that people at the coalface feel they have to operate under. The NTC report looked at the link between remuneration and road safety, and that link was quite clear. The report found:

…the overwhelming weight of evidence indicates that commercial/industrial practices affecting road transport play a direct and significant role in causing hazardous practices. There is solid survey evidence linking payment levels and systems to crashes, speeding, driving while fatigued and drug use.

Yet we have the member for Riverina coming in here a few moments ago and saying that there is not enough proof. For them it has not been proved beyond any shadow of a doubt, despite all the work done, that there is any sort of link when clearly, in the absence of any contrary evidence put forward in the debate by those opposite, the work that has been undertaken shows otherwise.

It is worth making the point at this juncture that, through countless inquiries, responses to incidents, responses to the media interest that has been aroused by this, and in dealing with families that have been traumatised, there is one organisation that has continuously, passionately and determinedly pressed the case for something to be done. I want to place on the record my admiration for the Transport Workers Union of Australia—in particular Tony Sheldon, Michael Kane, who I notice up in the gallery, and my friend and colleague the New South Wales Secretary Wayne Forno. In years to come, people will be able to say that the work done by this organisation has saved their lives or spared them from injury. There are people in this chamber who say that too much power has been wielded by one organisation in this matter; but to be honest I thank God that that power has been exercised because families have not had to be traumatised by the death of their loved ones, whether they are the people driving those vehicles or general commuters involved in accidents. I congratulate the TWU for the work they have done.

The NTC report formed the platform for these bills. If you look at the objectives of the legislation, there are a number of things it seeks to do. I want in particular to draw attention to the fact that it aims to promote safety and fairness in the road transport industry by, for example, ensuring road transport drivers do not have remuneration-related incentives to work in an unsafe manner; removing remuneration-related incentives and pressures that contribute to unsafe work practices; ensuring that road transport drivers are paid for their work, including loading and unloading vehicles or waiting for someone else to load or unload their vehicles; and developing and applying reasonable and enforceable standards to the road transport industry supply chain to ensure the safety of road transport drivers.

We also seek to set up a Road Safety Remuneration Tribunal to ensure that we promote the objectives of the act and safety and fairness in the industry. It will ensure that work is done in an evidence-based and
research-focused way. It will also create determinations known as road safety remuneration orders which will be in addition to any existing rights that employed drivers have under industrial instruments or that owner-drivers have under their contracts for service. These bills will ensure that the years of talk, of hand wringing, of saying something has to be done will end. We will make sure that there is something in place to resolve the issues that people in the trucking industry have had to deal with for years.

In spite of all this, when we finally get to a point where we can take action, we still have those that try to propagate myths about what this legislation will do. Some suggest that safe rates will cost consumers, ignoring the reality that every single death costs $2 million; every injury costs over $400,000. Who do people believe bears this cost? This cost is heavily borne by the families involved but it is also, ultimately, borne by the public. It is spurious to claim that the implementation of this bill would lead to costs when these costs are already being borne. The aim is to reduce the costs, economic and social, on those families. There are people that say that voluntary systems would work better, when there is simply no evidence to suggest that the voluntary systems that have been in place so far have assisted in any way, shape or form. They have had no impact to date. The death rate, the injury rate and the incident rate continue to grow. Worse still is the argument put forward by those opposite that there is no proof that remuneration and safety are linked, when in fact a huge volume of work has been undertaken to show this. I will read an excerpt from the NTC report, quoting Professor Michael Belzer from the University of Michigan:

The point estimates indicate that if mileage rate were to increase to $0.37 per mile, drivers would reduce their weekly hours to be in compliance with current regulations. At this rate, drivers are being compensated at a rate sufficient for them to be able to satisfy their income requirements without being induced to work in excess of mandated law.

Those opposite said in a dissenting report that they were unconvinced safe rates would lead to an improvement in road safety outcomes. They also said that the link between remuneration and safety in the transport industry has not been definitively established. They suggested that improving road infrastructure and enforcing existing laws would achieve safety improvements. This is simply an excuse to know, not act. It would be improper to reveal too much of the committee's consideration of the bills, but there was an attempt to work together within that committee. However, the dissenting report betrays the fact that none of those opposite can point to anything that they did in their time in government—when they had an opportunity to deal with this—or that they could do now, as an opposition, that would improve this situation and avoid deaths. Those opposite would rather find ways to delay—for example, requiring us to be able to establish beyond any reasonable doubt that there is a link between remuneration and safety. Until the point that we could do that, we would still have people in the trucking industry and other people using those roads dying to satisfy their demand for absolute proof that there is a link between the two—when huge volumes of work have been done to prove just that. I would argue that, if they oppose this legislation, those opposite are absolutely compelled to tell this chamber one thing that they would do to save people's lives and prevent injury. Do not tell us existing laws have to be enforced better, because the evidence suggests that even to this point people are abusing the law by either playing with speed limiters or
engaging in drug use because of the very pressures they have to operate under.

Those opposite have to get serious. They have to look at the families of those truckers who have died and the families who have been injured in road accidents involving trucks and explain to them why further inaction is a recipe for anything good in the general community. They are compelled to demonstrate to this chamber what they would do to improve the situation. (Time expired)

Mr CRAIG KELLY (Hughes) (18:46): I rise tonight to speak on the Road Safety Remuneration Bill 2011 and the Road Safety (Consequential Amendments and Related Provisions) Bill 2011. Firstly, I would like to express my admiration for our nation's truck drivers. These guys—and some women—are the salt of the earth. They work long hours in isolated conditions and often in a very isolated environment away from family and friends. It is a very dangerous occupation. It is an industry in which over the last couple of years we have seen around 250 people killed and 1,000 more seriously injured. I am proud to say that on this side of the House there are several members who hold licences to drive heavy vehicles while on the other side, in the so-called workers' party, there is an absolute dearth of those who even know what a clutch is.

The purpose of this bill is to create a new government bureaucracy, to be called the Road Safety Remuneration Tribunal, which will inquire into sector issues and practices in the road transport industry and issue orders and set mandatory rates of pay and related conditions for employed and self-employed drivers. However, it should be noted that this bill will create confusion in the industry, as constitutionally the bill will not apply to over 40 per cent of owner-operators and over 20 per cent of employee drivers.

The reason behind this bill is that many of our nation's truck drivers today are being placed under undue economic pressure. One of the inherent difficulties that our nation's truck drivers face is delays—delays through roadworks, delays through accidents, delays through rain and delays through being caught in peak hour traffic. These delays can easily happen in a journey on any of our nation's roads, whether it is just across town or from one side of our continent to the other. Of the few examples I have noted, there are obviously a range of controllable and uncontrollable actions. The penalty clauses forced upon drivers, sometimes enforced from outside their contracts, do not make such distinctions.

When looking at the causes of delays, I need look no further than two nights ago when I, along with many of my New South Wales colleagues, was driving down to Canberra late on Monday night for this parliamentary sitting. There were roadworks at Marulan and the traffic was banked up for 10 kilometres. Whilst sitting in the traffic jam for over an hour meant little to me—I simply arrived here in Canberra an hour later—I could not help but notice the number of trucks that were lined up and experiencing the same set of circumstances. But what was only a slight annoyance to me was actually stripping money from the pockets of these blokes in their trucks. It was snatching food from their dinner tables, because these blokes are not fortunate enough to have a job where they sit around each night with their family. It is a tough job they have to do.

Marulan is located midway between Sydney and Canberra and it is an important trucking stop on the Sydney to Melbourne trip. That chaos on Monday night came from about 200 metres of a single lane on the
Hume Highway being closed outside of peak hours. That may have been amplified by the increased road use of New South Wales parliamentarians and their staff making their way to Canberra or even Canberrans who had taken the day off for Canberra Day returning from holidays. But this was not even peak hour and we saw trucks held up for several hours, which would have delayed all the trucking between Sydney and Melbourne by several hours that day.

While these delays are inherent in the nature of the industry, the supermarket duopoly have been taking advantage of their centralised power to hold trucking companies and our drivers to ransom by giving them unreasonable deadlines and penalising them if they are delayed by even just a few minutes. I have even heard of one instance of a company being fined $50,000 because they were no more than a few minutes late with a delivery to one of the supermarket duopolists. What did the duopolist say when the company complained? They simply said, ‘What can you do—take us to court?’ That is unfortunately the market power that the supermarket duopoly have. They are able to act outside our laws and outside commercial practices.

Even Lindsay Fox has commented on the undue market power of the supermarket duopoly, accusing them of dictating terms and 'expecting everything for nothing'. In a recent interview in the *Australian* newspaper the Linfox founder offered his thoughts on the dominance of the two major supermarkets. Despite him having recently signed a new five-year deal with Coles, these are the comments he made. He said:

> They are too big … You can't dictate the terms and conditions of what people have got to trade with you. And they are getting to that stage. They are trying to dictate to everyone …

They are expecting everything for nothing. They are going to crucify the farmers, crucify the bread manufacturers and if you spoke to most of the consumer goods manufacturers at the moment, you would get a very mixed response about the aspects of dealing with these companies.

We all believe in a free market, but a free market means just that: it means freedom. It means freedom in contract negotiation. It means freedom for one party to stand up and simply say 'Get stuffed' and pack their bags and walk away. But when the market becomes overly concentrated, that very freedom is taken away and others in the supply chain become nothing other than economic serfs.

So the real solution to the problem we have with the undue market pressure being put on our truck drivers—the unreasonable delivery times they are made to adhere to and the unreasonable waiting times—is what I would call the Standard Oil option—that is, to reverse the undue market concentration that has been occurring in this market for years and years. In any legislation we need to make sure we are addressing the cause of the problem and not putting a bandaid over the wound. It is obvious from the speeches from both sides of the House that the root cause of the problem—the economic pressure that is being put on our truck drivers—is the growing market concentration of the supermarket duopoly. These bills, unfortunately, do not tackle that root cause, and that is something we need to address.

I now turn to some of the other pressures our trucking industry will face in the future. While these bills look at the economic pressure on the transport industry, let us not forget the pain that every single member of this government voted to inflict on our transport industry with the world's largest carbon tax. From 1 July 2014 there will be an extra impost of 6.85c per litre on the cost of diesel. What that means for every owner-
operator and for every truck that makes on average three round trips a week between Sydney and Melbourne is that $5,000 will be ripped out of their pockets. How can members of this government come in here and talk about helping truck drivers when their own policies are going to add $5,000 a year in costs onto them?

There are other issues we need to look at to improve the safety of our truck drivers. It is not just accidents. Truck drivers also face diesel pollution. We know diesel pollution is hazardous to human health. The groups that are at particular risk are industries that are especially involved in trucking. For truck drivers it is not only the pollution from their own diesel trucks but the elevated background pollution where they work—in ports, from cargo handling equipment, from ships and from locomotives. A recent investigation in California by the Coalition for Clean and Safe Ports, analysing the air quality inside truck cabs, revealed alarmingly high levels of diesel pollution and a threat to our drivers' health. Diesel engines emit a toxic brew of particulate matter as smog-forming nitrogen oxides and volatile organic compounds. Diesel exhaust is estimated to be responsible for 70 per cent of the total cancer risks from air pollution. Numerous studies have documented this risk. According to a recent California Air Resources Board report, trucks involved in the movement of goods were responsible for more than half of the estimated 2,400 premature deaths attributable to diesel exhaust from the Californian freight industry. Also, the monitoring of air inside cabs has found an alarmingly high level of pollution.

Again, how can we assist in making the health of our drivers better? What can we do? Firstly, diesel pollution can be reduced by regular maintenance of trucks—making sure that trucks are at their best performance. But how can we do that if in this parliament we are legislating to make truck drivers pay an extra $5,000 a year through the carbon tax? There are of course other things we can do. We can limit idling time and the time they spend waiting in queues. But, again, we cannot do that unless we balance the market power between our independent drivers and our supermarket duopoly. Too often we hear that by having such a concentrated market we get market efficiencies.

If I operate a warehouse and I have trucks coming to me, it makes my operation very efficient if I can have the trucks I need to unload lined up one by one, so that when I unload one truck another truck pulls up. That makes my operation efficient, so that is how I want to do it. On the other hand, when drivers can be so easily delayed on our roads today, that puts the burden back on those drivers—which makes them more inefficient. They have to plan their trips, they have to leave hours earlier than they normally would and they have to wait in queues, simply to make that warehouse more efficient. So while that warehouse may become more efficient, what actually happens is that our entire supply chain becomes less efficient. These are the problems we have when our market becomes overly concentrated.

The other issue we need to look at is how to improve the health, wellbeing and safety of our nation’s truck drivers—and of course it gets back to diesel fuel. The diesel fuel that we currently burn in trucks has very high levels of particulate matter. There is a way of reducing that, and that is through the process of coal liquefaction. We have the capability here in Australia, with our supplies of brown coal, especially in the Latrobe Valley, to produce diesel fuel through coal liquefaction. This would have particulates reduced by about 40 per cent. If we were able to do that it would substantially increase our ability to make our trucking safer. It would reduce the
particulate matter in the cabs of trucks and make drivers' health a lot better, and that is what these bills also fail to address.

In the remaining minutes I have I will say a few kind words about Mr Tony Sheldon, the head of the TWU. I do not see him up in the gallery, but I believe he has been in Parliament House for the last couple of days. I believe he has truck drivers' best interests at heart. However, I think these bills need a bit of work, Tony. I do not think they are quite there. I think we need to look at and tackle the undue power of the supermarket duopoly, because we want to see all Australian truck drivers have a fair go. We want to make sure that the truck drivers of Australia have hope, reward and opportunity, as the rest of us do, and I hope we can achieve that in the future.

The SPEAKER: I would ask honourable members to sit down, because the honourable member is about to be advised by me that, it being 7 pm, I am about to propose the question that the House do now adjourn. The honourable member will have the opportunity of continuing his remarks at an appropriate time.

COMMITTEES
Selection Committee
Report

The SPEAKER (19:00): I present the Selection Committee’s report No. 47 relating to the consideration of committee and delegation business and private Members’ business on Monday, 19 March 2012. The report will be printed in today’s Hansard and the committee’s determinations will appear on tomorrow’s Notice Paper. Copies of the report have been placed on the table.

The report read as follows—

Report relating to the consideration of committee and delegation business

1. The committee met in private session on Wednesday, 14 March 2012.

2. The committee decided to amend its determinations in respect of committee and delegation business on Monday, 19 March 2012, as reported to the House earlier today, by substituting:

**Notices**

1 **DR STONE:** To move:

That this House:

(1) notes that the Australian agricultural industry offers excellent career opportunities, including:

   (a) approximately 100,000 jobs in the agricultural sector;

   (b) 2.5 jobs for every agricultural graduate; and

   (c) a diverse range of careers requiring a wide range of skill levels;

(2) acknowledges that responding to the expanding global food task will require Australia to substantially upskill and increase the size of its agribusiness workforce;

(3) recognises that there are declining participation rates and graduates in the agriculture sector as tertiary agricultural science course offerings decline, and secondary school students do not take up undergraduate courses; and

(4) calls on the Government to:

   (a) resource the promotion of careers in agriculture through the primary and secondary school system;

   (b) provide incentives for universities to offer agricultural science courses; and

   (c) encourage industry in the development of agribusiness educational and training resource material. **(Notice given 13 March 2012.)**

*Time allotted—60 minutes*

*Speech time limits—*

- Dr Stone—10 minutes.
- Next Member speaking—10 minutes.
- Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 8 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

in place of:
Orders of the Day

2 POLICE OVERSEAS SERVICE (TERRITORIES OF PAPUA AND NEW guinea) MEDAL BILL 2011 (Mr Morrison): Second reading (from 21 november 2011)

Time allotted—60 minutes

Speech time limits—
Mr Morrison—10 minutes.
Next Member speaking—10 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 mins + 8 x 5 mins]

The Committee determined that consideration of this matter should continue on a future day.

ADJOURNMENT

The SPEAKER (19:00): It being past 7 pm, I propose the question:

That the House do now adjourn.

Diabetes

Mrs MOYLAN (Pearce) (19:01): It is timely that I have the call for this adjournment debate this evening, because this morning in Parliament House the Parliamentary Diabetes Support Group joined with Diabetes Australia and the Juvenile Diabetes Research Foundation to launch a new research paper by the Baker IDI Heart and Diabetes Institute. Associate Professor Jonathan Shaw, who was responsible for the research in this report entitled Diabetes: the silent pandemic and its impact on Australia, outlined for senators, members and guests the dimensions of the challenge facing Australia in managing the diabetes pandemic.

On best estimates, about one million Australians have diabetes. Another half a million are estimated to have diabetes but remain undiagnosed. Another 100,000 new cases are diagnosed every year in Australia. On current trends, we can expect that number will grow to three million Australians with diabetes by 2025. The cost to the healthcare system is now around $6 billion annually, therefore we can expect a sharp escalation in costs to around $18 billion by 2025. The cost to individuals and their families goes beyond economic considerations as diabetes can have a devastating impact on a person's quality of life as the disease takes its malevolent course. As the report highlights:

Diabetes mellitus currently represents one of the most challenging public health problems of the 21st century. There are over 1.5 million Australians with diabetes, including those who are undiagnosed. This results in substantial morbidity and mortality, particularly from cardiovascular complications, eye and kidney diseases and limb amputations.

This is why the United Nations passed resolution 61/225 in January 2007. Amongst other things, this resolution designated 14 November as World Diabetes Day to highlight the challenge posed by diabetes and called on member states to observe this day to raise public awareness of diabetes and encouraged member states to develop national policies for the prevention, treatment and care of diabetes.

In 1997, the federal government declared diabetes a national health priority. Along with state governments, it committed to supporting programs to monitor and improve diabetes prevention, detection and management. Notwithstanding the best intentions, the Baker IDI research shows that diabetes prevalence is still on the rise and that more needs to be done. I would like to acknowledge the excellent work of the Director and Chief Executive Officer of IDI Baker, Professor Garry Jennings AM, and of Associate Professor Shaw. This is indeed an outstanding document that they have produced. It provides evidence-based research on which to base effective policies and I hope that it will inform both the government and the coalition in that respect.
This research has been carried out in partnership with Diabetes Australia, whose CEO is Lewis Kaplan, and the Juvenile Diabetes Research Foundation, which is headed up by Mr Mark Wilson. We are no strangers to the work that the foundation does in this place with the biannual Kids in the House program. Both of these organisations are tireless and effective advocates for people with diabetes in Australia. They have a very important role to play as peak consumer organisations.

Mr Baldwin: Hear, hear!

Mrs MOYLAN: This research also has the strong support of the Parliamentary Diabetes Support Group. I heard the member for Paterson saying: 'Hear hear!' He is one of the great supporters of the Parliamentary Diabetes Support Group, and has attended many of the excellent functions we have had in this place. The group has a crossbench membership which has worked with peak organisations to encourage government to maintain its commitment to diabetes as a national health priority. I take this opportunity to thank in particular the member for Lyons, the member for Moore, the member for Isaacs, and Senator Claire Moore, all of whom form the executive of the PDSG. I commend this report to the House.

Jet Skis

Mr DANBY (Melbourne Ports) (19:05): A horrific incident occurred on 26 February this year when a jet ski collided with one of my constituents, a swimmer at Port Melbourne beach. The man was fatally injured. Robert Brewster lived in Port Melbourne and was 51 years old with two daughters and a partner. The incident occurred in a swimming zone in Port Melbourne. It is currently under investigation by Victoria Police, but as my colleague the state member for Albert Park said, there are serious questions to be answered as to how a tragedy like this could occur on a hot evening in a swimming-only area on a crowded beach. As one of my thoughtful constituents, Stephen Harvey, said in an email to me:

With a mix of such high performance machines and swimmers in such confined waters so close to the shore, an accident of this sort was inevitable. There should be greater restrictions on how these powerful and clearly lethal machines, namely jet skis, are allowed to operate. An urgent review of safety and regulatory arrangements covering jet skis is needed. It is ironic that we recognise danger in the workplace—occupational health and safety makes it mandatory to separate plant machinery and pedestrians in workplaces—but that apparently on the beach it is okay to mix high-speed jet skis and people swimming. There have been reports that constituents have repeatedly raised their concerns about these incidents with local councils, the Water Police and Parks Victoria, but no significant safety measures have been taken as yet to address these concerns. Constituents have told me that, even though various authorities were sympathetic, each stated that it was not within their jurisdiction, and this resulted in them going from the local council to the Water Police and then to Parks Australia to voice their concerns. No-one appears to have overall responsibility for the safety issues.

Mr Stephen Harvey wrote, in his email to me:

… these Jet Skis … have fundamentally changed the character … of going to the beach … How is it that we have allowed these machines to have precedence on our local beaches? Who made that policy decision? Nobody did. It just happened when no one was looking. It appears to me that this important safety issue has slipped - almost unnoticed - between the various jurisdictions of the local Council, the Water Police and Parks...
Victoria. No one appears to have overall responsibility for addressing the safety issues that are caused by mixing together high performance machines and swimmers in the confined waters near suburban beaches. This is clearly a significant collective failure of local Council, the Water Police; Parks Victoria ... It is time they started to talk to each other and took some collective responsibility for the appropriate management of this important water safety issue. If these various agencies of government do not act decisively now then the community should expect further fatalities.

As the Age editorialised:

Part of the problem may be the relatively lax approach to licensing riders of a powerful machine that naturally attracts young thrill-seekers. ... An obvious discrepancy exists between the law's attitude to riding a high-powered jet-ski on the water and a high-powered vehicle on the road.

Beaches should be patrolled regularly, so that jet skiers comply with speed limits set on the water, and there should be an immediate increase in enforcement of the current regulations. Hoon laws should be applied on the water and there should be increased fines for people who break the existing laws. For increased safety, there should not be easy access to a jet ski licence. Third-party insurance should be made compulsory, to deal with the increasing numbers of injuries and legal claims. There should be the introduction of tougher fines and measures aligning offences in this area to motor vehicle penalties rather than recreational boating penalties.

I conclude with the eloquent plea of my friend Martin Foley, the member for Albert Park:

Let us see a greater effort on enforcement of the separation of swimmers and jet skis. Let us see greater restrictions on where these powerful and now clearly lethal machines can be allowed to operate. Let us increase the areas for swimmers and more passive recreational activity closer to shore and push jet skis further out past the 400 metres mark. Let us benchmark penalties on the equivalent offences for road vehicles. Let us make registration and licensing more demanding and rigorous. Let's increase the focus on education and responsible behaviour.

The death of Robert Brewster at Port Melbourne should not be in vain. I call on the Victorian government and the various local authorities to act responsibly. I am sure this is a problem all round Australia, not just in Melbourne Ports. High-powered jet skis should be seen as the equivalent of high-powered cars. We have increasingly strong community attitudes against hoon behaviour on the road. They should equally apply against hoon behaviour on the water. The lives of Australians enjoying the beach should not be put at risk by these machines.

Tourism

Mr BALDWIN (Paterson) (19:11): Today the December 2011 National Visitor Survey results were released. Visitor nights rose by only 1.4 per cent and spending per night increased by only 0.2 per cent over 2010, indicating shorter trips and reflecting a slight decline in holiday travel. As the Tourism and Transport Forum CEO, John Lee, rightly indicated today, the survey shows the current preference of Australians for overseas holidays.

The shadow Treasurer and former minister for tourism, Joe Hockey, has referred to today’s Westpac-Melbourne Institute Survey of Consumer Sentiment, which shows the fragility of the Australian economy and underscores the need for stable and transparent government. It has fallen by five per cent in the last month, with consumers concerned about rising interest rates and petrol prices as well as declining economic conditions and employment.

When people are worried about the economy, they do not take holidays and they cut back on spending at restaurants. At its
peak in 2001-02, the Australian tourism industry earned a surplus of $3.6 billion. Yet, in 2009-10, Australia lost a net $5 billion to overseas tourism providers through Australians increasingly spending their holidays abroad. In 2009-10, the annual gap between the number of Australians travelling overseas and international visitors to Australia reached one million for the first time. The increasing outbound market is contributing to a widening 'tourism trade deficit'.

Unless we start holidaying at home in greater numbers, we will lose $8.7 billion each year by 2012-13. The tourism and hospitality sector is dependent on both inbound and domestic tourists for its survival. Despite the forecast growth in international arrivals, especially from China, domestic travel accounts for around 70 per cent of tourism spending and will continue to be the mainstay of the tourism industry in the decades to come.

Australians are an outgoing people, and that is why foreign tourists have the holiday of a lifetime when they come to our shores. But it is not just the friendly welcome; it is also the safety, the guaranteed quality in accommodation and adventure activity in our great tourism product and some remarkable natural landscapes that make Australian holidays so memorable.

Because of our adventurous nature, Australian tourists can be found all over the world. Yet we lose billions of dollars when we spend our holidays abroad. Australian tourists spent 132 million nights overseas last year, pumping billions of dollars into overseas economies, despite having such a good tourism product here at home. That is why we need to remind Australians to take their next holiday in Australia, to take a 'staycation'. There are thousands of great Aussie holidays to choose from—whether it is just up the coast or across the continent.

Politicians are often accused of 'talking the talk' and never 'walking the walk', so on 2 March this year, to coincide with the national tourism awards in Cairns, the coalition launched its 'Staycation' campaign, putting its own money where its mouth is. The Staycation.org.au website provides links to Tourism Australia and each state tourism portal. It also drives visitors to the 'We Love Oz' Facebook page, where a competition is being run throughout 2012 to highlight the favourite holiday experiences of Australians. Entrain to this competition go in the running to win a holiday at one of a number of tourism award nominated hotels, including Mandalay Luxury Stay, Darwin; Lasseters Hotel Casino, Alice Springs; Crown Metropol, Southbank, Victoria; Habitat Resort, Broome, Western Australia; and The Old Woolstore Apartment Hotel, Hobart.

The coalition is supported in this initiative by campaign partners Qantas; Unseen Productions; Tribecount; Shangri-La Hotel, Cairns; de Groot Media; and About-Australia.com—and I particularly thank them for the generous support they have provided to support our Australian tourism industry. I also thank Tourism Australia for the access to their excellent film library. Tourism Australia and the Australian Tourism Data Warehouse are doing a tremendous job gathering quality information on Australia's great offerings for inbound and domestic tourists alike. I commend Andrew McEvoy at Tourism Australia and Liz Ward at the Australian Tourism Data Warehouse for the outstanding work they are doing in getting Australian tourism businesses online and ensuring that our tourism product can be easily researched.

What Staycation aims to do is twofold. Firstly it draws the attention of
holidaymakers to excellent web portals, like about-australia.com, that capture and present available online hotel and travel information, using the web based information captured by the Australian Tourism Data Warehouse. Secondly, by offering holiday prizes as incentives, it builds on Tourism Australia's initiative to encourage Australians to join in our national marketing effort. Nothing beats word-of-mouth endorsement from people who have 'been there, done that and bought the T-shirt'. I urge members on both sides of this House to get behind this initiative and support the Australian tourism and hospitality industries.

**Holt Electorate: Casey City Church**

**City of Casey Australian Study Tour**

Mr BYRNE (Holt) (19:15): I rise tonight to talk about a man and a group of people who are truly making a difference in my community: Pastor Larry Sebastian and the Casey City Church. The church was founded in March 2003. In his role as senior minister, Larry has sought to organise various community and outreach events that connect with schools and community groups. They do a lot of outreach services. It is a relatively young church—in fact, I think it was nine years old yesterday. Larry and his senior ministry are taking the church out to the people.

Our community—as you would know, Mr Speaker—is a growth belt community. It has a lot of people who have shifted out or come into the area to make their lives their own. They have bought an idea—a dream and an aspiration. When they shift out to these growth belt communities, they often find that there is not a lot of social infrastructure. There are growing communities but there is not the social infrastructure that binds the community together. So the community look for events and groups of people who make a difference and help provide that glue and the services that they need. Often in these growth belt communities they do not get the access to the services that they need. This is where Larry and the Casey City Church come in.

What drove this home to me was an event called Carols by Twilight, which is held on Christmas Eve at Max Pawsey Reserve. This event has been running for something like 35 years. It is a landmark event. It is one of those events where, after a long year—particularly if it has been a fairly tough year—people gather together to celebrate being a community. They do that celebrating Christmas—and what I like to think is the true meaning of Christmas.

In 2011, I attended this event. It had been forecast that there could be 2,000 to 3,000 people; so you can imagine my surprise when I walked onto the stage and saw about 7,000 people—many with candles, signifying hope for a better future. The music was quite extraordinary. Some of the artists who performed were: Andrew Wishart, Madison Pritchett, opera singer Shu Cheen Yu, Ollie and Chris Sebastian, Daniel Kelaart, Coby DeMaria and a number of others. The Casey City Church band provided back-up for the artists. Larry himself is a fairly accomplished musician—he is the uncle of Guy Sebastian. The Sebastian family provided a lot of the support. I do not think there is a member of the Sebastian family who cannot sing.

Larry has been running this event with the church for two years. The church provided the music for about six or seven years. It is a church that reached out to the community. If you could have been there that night and seen people's reactions to the words that were said and the music that was performed, you would have seen the great work that the church was doing.
This church has a number of ministries—I will not go into them now. I want to say to Larry and the church: you are making a significant difference to the lives that people lead in our area. The ministries that they offer have a very unique concept; it is a community cafe where you 'pay as you feel'. A lot of people in my community do not have a lot of money. You can come in, in a spirit of friendship, in a good environment—I think it is the city edge facility—you can share a meal, and if you do not have a lot of money you do not have to pay a lot of money. You can pay what you feel, pay what you have. The fact that churches like this are reaching out to the community says a lot about Larry and the church he is running.

In the short amount of time I have available, I want to mention a number of special people: Alice Cochrane from St Margaret's School, Maddie Gordon-Walker from Beaconhills College, Luke Pel from Glenaeasles Secondary College, Tanisha Beveridge from Lyndhurst Secondary College, Corey Mathrick from Cranbourne Secondary College, Emilijia Stefanovic from Cranbourne Secondary College, Kira-Shae Locke from Berwick Secondary College, Kathryn Hazell from Hampton Park Secondary College, Benjamin Hill from Fountain Gate Secondary College and Amanda Carron from Maranatha Christian School. These young people came to see us as part of the City of Casey Australian Study Tour. These young people—aged 16 years and over, and who go to schools in my area—have come to observe how government functions. If these people are the future of our country, our country is in very safe hands. (Time expired)

**Murray Electorate: Floods**

Dr STONE (Murray) (19:21): I rise to pay tribute to an incredible group of communities across northern Victoria who have demonstrated in these worst floods on record their extraordinary commitment to one another; extraordinary courage and hard work. They have saved each other's homes, properties and public buildings by filling hundreds of thousands of sandbags and building and manning levees night after night, day after day. The vast majority of work has been done by volunteers. They have done it selflessly.

When I go and talk to people—it might be a couple; they might be elderly or young; they are standing in water over their gumboots, surrounded by devastation, their home flooded, metres of water through their orchards or their dairies or their small business; and we look around at the sewage filled water—they say to me, 'It is terrible, but we are not the worst off.' This is the most common statement I hear. It is said to me time and time again. I want to acknowledge the courage and the stoicism of these people.

The Great Northern Plains have some of the flattest topography in Australia. The country slopes very gently from the Great Dividing Range in the middle of Victoria to the Murray River. In this disaster, we had our annual quota of rain falling in just a few days—unprecedented levels of rainfall. The extraordinary volume of water has been moving ever so slowly towards the great Murray River, metres deep and, all along the way, held up by the roads, the bridges, the railway lines, the irrigation channels. So we have paddocks under two and three metres of water still, and other places coming out of the flood and having to move into the clean-up stage.

It is an extraordinary effort on behalf of over 3,000 farms, thousands of businesses and numerous towns. Some of the communities had little time to raise their equipment or their household goods up out of the floods, little time to move their
livestock to higher ground or to put sandbags around their orchards, while others have had literally more than a week to wait for the rising tide to move towards them. Places like Barmah and Picola are still waiting for those waters to reach them—this inland sea—while places like Nathalia just today have had their orders to evacuate removed because it seems that those metal levees worked. Indeed they were supplemented by over 300,000 sandbags.

We are moving from immediate crisis to a very difficult situation of recovery. This area also has just gone through seven years of drought, the worst drought on record. They are also trying to survive their own irrigation water being targeted and stripped away by Water for the Environment. There are hits on every side for them, but they are trying to persist and they are persisting.

I access these communities when I can get through the floodwaters. Towns like Tungamah, Katamatite, Cobram, Yarrawonga, Naringaningalook, Nathalia, Congupna, Numurkah, Wunghnu, Tallygaroopna, Katunga, Burramine, Bundalong, Kaarimba and Kyabram have also been affected. To all of these towns in each of these communities, I salute them.

The farming families clustered around these towns have embraced the people in the towns using their equipment—their trucks, their graders and their sheer grit. We have had the selflessness and sacrifice of our volunteer CFAs supplemented in some places with the SES with the council workers, police, the Dhurringile prisoners, the Army, the DPI, the DSE. There are no work demarcations in this business. No-one asks who you are, what you can do or where you should work but, rather, when can you start and how long can you stay?

We have had stories that are soon to become local legends. These stories need to be told and retold about the young kids who helped, about the teenagers who filled sandbags for 24 hours, about the grade 5s and 6s in the schools like Tallygaroopna who will never forget the job they did.

We still have an enormous amount of recovery to go and we will need a lot of help. I want to commend government, state and federal, for recognising this issue even if yesterday the Prime Minister only moved a motion to talk about the floods in New South Wales. We do in fact have the floods in Victoria, and at least the Attorney-General, Nicola Roxon, visited the Victorian floodwaters.

These are communities who have shown their stoicism and their love for one another but they will need national and Victorian state government support to sustain the greatest food producing region in the country.

Banks Electorate: Future of Education Forum

Mr MELHAM (Banks) (19:26): Last Thursday, 8 March, I was delighted to welcome the Prime Minister and the minister for school education to my seat of Banks. The Prime Minister and Minister Garrett were there to host a forum to discuss the future of Australian education with principals, teachers and parents. It was an opportunity for education professionals to share their thoughts and ideas with the nation's decision makers.

The forum was held at the Georges River College, Penshurst Girls Campus, and was attended by about 120 people. The principal, Ms Anne Ross, and her staff and students worked extremely hard to make the forum a success. Both the Prime Minister and Minister Garrett expressed their satisfaction with the forum and their pleasure at meeting with the parents and teachers and the quality
of their contribution to the national discussion on the future of education.

Ms Ross put together a comprehensive program to showcase the school. The students from hospitality provided a wonderful afternoon tea and served their guests with efficiency and professionalism. The school band played some wonderful music and was later treated to a private discussion with the minister for education.

The members of staff, despite having their school turned upside down for over a week, were superb hosts and contributed significantly to the success of the afternoon. The weather in Sydney over the preceding few days, and indeed that morning, was appalling. The Prime Minister particularly thanked the school cleaners who had done a great job in mopping up the rain.

The guests also toured the small museum unveiled last year to chronicle the history of the school and education for women over the decades. The museum was originally a flat when the school focused on domestic science and students learned the skills of running a home. Given the visit was on International Women's Day, the museum provided an opportunity to reflect on the changes to women's education over the past 50 years and the options now available.

I want to particularly acknowledge the participation of principals, teachers and parents from my electorate of Banks and the neighbouring electorate of Watson who attended the forum with relatively short notice. Listening to the questions and general discussion, there is no doubt in my mind that these are people who are completely dedicated to the future of education in this country.

The Gonski review, which was at the heart of the discussion, is part of the reforms to the education funding model that we need in this country. The Prime Minister made the point during the forum that it is the individual student who should be the focus of a funding model. The audience agreed.

My special thanks to the school principal, Anne Ross for her outstanding effort in pulling this event together. Her commitment and dedication to her profession and to her school was self-evident in the week preceding the forum and on the day. Her pride in her school, its staff and students was reflected throughout. My thanks go also to the Prime Minister and to the minister for school education for holding the first of these national forums in New South Wales at Penshurst. As one principal said afterwards, having met the Prime Minister and minister, 'I now hold great hopes for the future of education in this country.'

The other interesting thing was the genuine delight of those present in having the Prime Minister and the Minister for School Education, Early Childhood and Youth present in the electorate on what was a very special day. It was broadcast on ABC News 24, so there is a tape and people can see the contribution. Irrespective of which side of the parliament the Prime Minister comes from, it is a big thing for a Prime Minister and a minister for school education to be visiting the local community. That was true of the former Howard government.

These people in my electorate—and I have represented them for 22 years—have not been adorned with prime ministers and ministers on a regular free-flowing basis. It is not something that I have sought to try to emulate in my time as the member for Banks. I do not mind ministers and prime ministers. But what I saw showed one of the reasons I do not necessarily like them in the electorate—it is a huge roadshow that imposes a lot on the various communities. It needs to be done properly and professionally. As I said earlier, the school was turned
upside down for a week. Sniffer dogs were brought in to ensure the security of the place. That is the way it should be. The feedback I have had from my constituents indicates that they were all delighted to have the Prime Minister and the minister present. So was I. It was a great day. Congratulations to everyone present.

Tennis

Mrs PRENTICE (Ryan) (19:31): We all know the fundamental importance of sport to the health and wellbeing of a community, and one of Australia’s most popular sports is tennis. In October last year I was honoured to attend the Tennis Queensland awards evening. It was no surprise that Samantha Stosur and Ashleigh Barty won awards for their outstanding achievements. However, I was delighted that the Gap Health and Racquet Club was recognised for its hard work and dedication with two awards. The club itself won Most Outstanding Club award and one of their coaches, Mr Daniel Stredder, won the Coaching Excellence award for the MLC Hot Shots program.

The Gap club caters for more than 600 children in their coaching academy as well as in their local schools and continues to go from strength to strength. I know that Daniel in particular has worked very hard to arrange the Inter-Schools Tennis Cup, a round robin Hot Shots event for primary school children. With Daniel’s support, I am sure we will have a future Grand Slam winner coming from the Ryan electorate in the near future. And no one can doubt how delighted I was when Tennis Queensland President, Ken Laffey, presented me with a framed racquet signed by 27-time Grand Slam winner Serena Williams.

Last year the Leader of the Opposition joined with my colleagues the members for Bennelong and Kooyong and with Tennis Australia to launch Hot Shots in Canberra. MLC Tennis Hot Shots was developed by coaching professionals and is Tennis Australia’s official starter program for children aged between five and 10. Through the Hot Shots campaign children learn to play on the right-sized court, using racquets that are perfect for small hands and balls that do not bounce too high. Tennis Hot Shots has now expanded to over 1,000 venues across Australia to include more than 248,000 Australian children—even more than the AFL’s popular Auskick program last year. I am pleased to have more than 15 different venues in the Ryan electorate alone and I look forward to Australia producing many more tennis champions as a result of this program.

I would also like to take this opportunity to congratulate Tennis Queensland on the success of this year’s Brisbane International. It was heartbreaking to see the state of the Pat Rafter Arena after the devastation of the 2011 January floods. But, due to the relentless determination of Tennis Queensland CEO, Cameron Pearson, Facilities Manager, Michael Blomer, and their dedicated team, the Tennyson facility was back to its sparkling best for this year’s tournament.

This event continues to go from strength to strength. In January 2012, the fourth Brisbane International was promoted by the Women’s Tennis Association to now be a WTA Premier Tournament, one of only 22 in the world, and now the first Premier event on the tennis calendar. This tournament smashed all previous attendance records, with 92,802 patrons passing through the gates. No doubt this was due in part to the high level of leading tennis players who participated in the tournament along with our own local heroes, Sam Stosur, Bernard Tomic and Ashleigh Barty, to name just a few. But, as the saying goes, that’s not all. Due to the recent success of our Australian
Davis Cup team, Brisbane will be hosting the next challenge against Korea in April this year. I look forward to seeing Bernard Tomic in action again as he continues his determined rise up the ranks.

Tennis is one of those wonderful sports you can play throughout your life and you do not need to be a champion to enjoy the game. Tennis Australia is also undertaking significant community work in regional Australia, for which they should be commended. Earlier in March, Australian tennis legend Evonne Goolagong helped Tennis Australia launch the new Learn Earn Legend! tennis come-and-try days for young Indigenous Australians aged between five and 15 years. It is wonderful to see so many new from-the-ground-up community programs which really improve the health and education opportunities of our young people, particularly with the Indigenous community.

Under the stewardship of President Stephen Healy and the Tennis Australia Board, with CEO Steve Wood and Ken Laffey, Ashley Cooper and Cameron Pearson in Queensland, tennis in our country is in good hands. I congratulate Tennis Australia, Tennis Queensland and everyone involved in its success so far, and I know that tennis in Australia has a very assured and bright future indeed.

War Graves

Ms PARKE (Fremantle) (19:35): I want to make some comments about the desecration of Australian war graves that occurred on 24 and 26 February when two separate Commonwealth war cemeteries, including the Benghazia War Cemetery in Libya, were attacked by men believed to be militants. This was a senseless act of disrespect towards the remembrance of people who have fought and died in another country, a long way from their families and their native soil.

I very much welcome the statements of serious regret from the National Transitional Council in Libya, and I welcome their commitment to a full and thorough investigation. I know that the vast majority of Libyans would condemn the actions of the vandals. Of the 1,100 Commonwealth troops buried in the two cemeteries, more than 200 headstones were damaged, including approximately 50 that marked the resting place of Australian soldiers. One of the headstones belongs to Private Sydney Richardson, whose family lived in Alma Street, Fremantle—a street that is only a block away from my electoral office. Private Richardson was killed in action on 26 January, 1941, Australia Day, in Dernas, a port town on the Mediterranean coast in the north-east of Libya.

The Australian military contribution was an integral part of the Allied North African campaign during World War Two. Soldiers from the 6th, 7th and 9th divisions of the 2nd AIF fought with early success against the Italians and held out against repeated German attacks on the Libyan port of Tobruk, where they were besieged for five months. As it currently stands, in the Middle East the Commonwealth War Graves Commission plays a critical role in looking after 185 cemeteries, from Morocco in the west to Iran in the east, which house the graves of more than 165,000 Commonwealth servicemen.

When I worked for the UN in the Middle East, I was based in Gaza for three Anzac Days in a row during the years between 2002 and 2004. There is a Commonwealth war cemetery in Gaza that is an oasis of beauty and peace in an otherwise dust filled conflict zone. The cemetery has been tended with love and care by Ibrahim Jeradeh and his
family since 1958. Ibrahim Jeradeh was made a member of the Order of the British Empire for his years of service to the Commonwealth War Graves Commission.

In the years before I arrived, Anzac Day had been celebrated by officials coming to Gaza from the Australian Embassy in Israel. But when I was there the security situation was so bad that the Australian Embassy people could not make that visit. So a few of us Australians and New Zealanders in Gaza took it upon ourselves to commemorate Anzac Day during those three years by conducting our own personal ceremony of remembrance at the Commonwealth war cemetery. When you are in such a difficult place and you see the headstones of so many young Australians, it strikes you as incredibly sad to think that there is not much chance that their families will be visiting their graves. Last April, during my study tour of Palestine, I visited the Commonwealth war cemetery in Gaza again. It is still a haven, and I was happy to see that the hundreds of gravestones that had been damaged by Israeli bombardment in 2006, and again during the war on Gaza in early 2009, had been repaired.

While I lived in the Middle East in 2007 I also travelled to Cairo and visited the grave of an Australian soldier, Victor Charles McIntosh, regimental No. 23, of the 10th Battalion AIF, who was buried in the Cairo Commonwealth war cemetery. I was there on 13 January, exactly 92 years after he died in 1915 at the age of 21. A member of Victor's family in Australia—a friend of mine—had mentioned to me that no-one in the family had ever been able to visit the grave of his dad's uncle. I found it incredibly sad to think that not a single person had been able to attend Victor McIntosh's grave in 92 years, so I went there and took photos of the grave and of the site and sent them to his family.

The damage done to the graves of Commonwealth servicemen in Libya, including Australian servicemen, was a pointless and dishonourable act that is not only rejected by Australians but just as strongly disowned and condemned by the vast majority of people in the Middle East, who have participated in looking after Commonwealth war graves for decades and who are, like us, largely respectful and peace loving.

**Syria**

Mr HOCKEY (North Sydney) (19:40): Over the last year, global attention has turned to the Arab world. We were shocked by the self-immolation of a young Tunisian street vendor that started the revolts that led to the toppling of Ben Ali in January. We cheered as young Christians and Muslims took to Tahrir Square in Cairo to protest against the denial of democracy and ultimately force a long overdue regime change. A new generation of young Arabs felt that political tyranny meant they had no hope, they had no voice, they had no freedom and so they had no future. They set out to change this. But, for some, the Arab Spring is still an Arab Winter.

In April last year in Syria a young teenager just 13 years old was tortured and murdered by Syrian authorities. His name was Hamza Ali Al-Khateeb, and he has become the enduring symbol of the struggle against the tyrannical and murderous regime of Bashar al-Assad. Almost a year ago I spoke about Hamza here in this House. But in the last year Hamza's story has become all too common. Not a day goes by without more stories of torture. The Syrian army continue to shell neighbourhoods in Homs, Hama and Damascus, snipers sit atop roofs across the country shooting at unarmed and peaceful protesters, and protesters are routinely tortured.
And no-one is spared. Masked gunmen dragged Ali Farzat, Syria's most famous cartoonist, from his car after he drew a cartoon comparing Assad to Gaddafi. Those gunmen and the government were so scared of statements such as these that they repeatedly smashed his hands. He was warned that was only the beginning. He was told to cease and desist. His hands will never fully recover, but that was obviously the aim of the brutal attack.

No amount of tyranny will stop the legitimate aspirations of the Syrian people. Funeral processions are some of the easiest targets. No-one is spared—not women, not children, not the elderly. There is no doubt that the direction for these orders came from Bashar Al-Assad. We know this because of the numerous Syrian intelligence officers who have defected in recent months. Prisoners are repeatedly burnt with cigarettes, bashed and their bodies dismembered and returned to their families.

For me, the scenes are often far too brutal to watch. Just last week a video appeared on YouTube of an empty street with a lost three-year-old boy running aimlessly in search of safety, only to be shot at by Syrian snipers in a nearby building. At last a young adult male ran onto the street, creating a human shield between the snipers and the toddler. These are brutal people who are willing to fire on a three-year-old boy—a three-year-old boy. His rescue by his fellow countrymen shows that, in a state of tyranny, there will always be good people.

But we need to do more than watch. The world needs to act, and so does our new Minister for Foreign Affairs, Senator Carr. President Assad is a butcher. We need to be more active as a nation in standing up to tyrannical leaders wherever they may be located. As I have said previously in this place, there are more than 300 Australians buried in the soil at the Commonwealth war cemetery in Damascus, and they deserve more than this. All those years ago they died for a belief that we share today—a belief in democracy and freedom and the integrity of the individual. President Assad is demeaning the legacy of our diggers. So Australia has a fresh opportunity. The issue of Syria will be Bob Carr's most significant test. Bob Carr has the opportunity to stand up and say that Australia will not put up with the actions of Assad.

I welcome the former foreign minister's refusal to accept the prospective Syrian ambassador, who, I understand, is a close friend of President Assad. I urge the continuation of this policy. But we can go further. Foreign minister Carr should immediately expel the Syrian charge d'affaires in Australia, Jawdat Ali—again, a close personal friend of Assad. Mr Ali needs to tell President Assad the depth of disgust Australians have about what is happening in Syria. The shadow minister for foreign affairs has met with the charge d'affaires and let him know in no uncertain terms what the coalition thinks.

This butcher of Damascus cannot be allowed to rule any longer. The 300 Australian soldiers buried in Damascus who died for freedom deserve more than this. More importantly, the people of Syria need the help of the world. Our new foreign minister must stand on the side of freedom and democracy. That is what he will be judged on.

**Centenary of Canberra**

Ms BRODTMANN (Canberra) (19:45): I would like to thank and applaud the member for Fremantle and the member for North Sydney for their very moving speeches. The story about the three-year-old boy was incredibly moving. It reminds me of the image in *Schindler's List* where a little
girl is wandering around. From memory, she is the only one who is in colour. We watch her wandering around those streets of chaos, but we do not find out what happens to her. That image was incredibly moving, as was your story about that little boy. I thank you and applaud you.

Tonight I will speak about a little event called Canberra Day that took place on Monday. Actually, it was a very big weekend here in the nation's capital, because all of us were out celebrating our 99th birthday. Celebrations continue this week with the balloon festival and other events around Canberra. I do not know whether you have seen the balloons aloft when you have been coming to work, but they help to make this a beautiful time of year. I urge members to get out in their spare time and celebrate the beautiful Canberra autumn—it is one of my favourite times of the year. One of the highlights of the weekend was the ringing endorsement by the Prime Minister of Canberra's place in our nation. She gave a very public commitment 'to the role and significance of Canberra in the life of our nation.'

Some Australians refer to Canberra in a derogatory way when they actually mean to demean the federal government. Indeed, some members of this parliament seek to demean Canberra by denigrating the people who work here—our public servants. I am glad that the artistic director of the Centenary of Canberra, Robyn Archer, plans to ensure that no Australian will misunderstand the role of Canberra during our centenary year. This is not just Canberra's celebration; all Australians should proudly celebrate and share in the centenary of Canberra. Robyn has released a taste of the program for 2013. It is a program that will reach into every state and territory to celebrate our nation's capital. Her vision for Canberra will see many high-profile events to mark the centenary, including the opening of the National Arboretum, which many of you may see each day. The Arboretum is a fabulous vision that the former Chief Minister, Jon Stanhope, had for this city. It will be a beautiful symbol of Canberra's growth after the 2003 bushfires that ravaged our city. I know Robyn's program will engender national pride in our city and will open many people's eyes to what Canberra can do and can be. Her program will be big and bold, but it will also have many quirks, including a novel use of the Parliamentary Triangle, to showcase all that is good about Canberra. The centenary shrub, the correa 'Canberra Bells', also was unveiled this week. I encourage you all to buy one and plant it so it is flowering this time next year.

If you think you know what Canberra is all about—think again. I am sure that, over the next 12 months in the lead up to our birthday, Canberra will surprise and astonish you. Move beyond the beltway; move beyond Kingston and Manuka. There is lots to see and do here. It is a great city and there is lots that will surprise and astonish you. I have led the Southside Rocks campaign, as many of you know. If any of you live on the south side, please come and see me if you want a t-shirt. I have to say that in the next year we will see the whole of Canberra, and the nation, in a whole new light as we celebrate our centenary.

I would like to make note of one other statement the Prime Minister made on Monday. The Prime Minister made a commitment that Canberra would remain the heart of the Australian Public Service and the primary location of government departments and agencies. What is so sad is that this was in direct contrast with the opposition's comments last week about Canberra and its people. I was dismayed to hear, in the lead-up to Canberra Day, the Leader of the Opposition announce that he was going to
audit our Public Service should he get into power. While the Prime Minister was celebrating the contribution of the Australian Public Service, those opposite were reiterating their policy—their only policy—to gut whole departments and drive Canberra into recession. The Gillard government is committed to our Public Service and to public sector jobs, but we also understand that efficiency needs to be a priority. We want to make the Public Service more efficient; those opposite want to make the Public Service nonexistent.

I will conclude by stating that this year is Canberra's year. I hope this year will shine a light on all the good things that happen in Canberra and on all the good our citizens do. Perhaps then all of us here, and particularly those opposite, will learn to have more respect for the people of this city, in particular for those who contribute to advancing the interests of our country through their work in the Public Service as servants of democracy. *(Time expired)*

**Australian Floods**

Mr JOHN COBB (Calare) (19:50): It is no secret that there has been a very wet, late summer. Not only that, there has been an enormous amount of rain in eastern Australia, particularly in the north of the state and in southern Queensland. Last week I spent time in both the Lachlan Valley and in my own electorate, and between the Goulburn and Murray Rivers in the electorate of the member for Murray, who spoke earlier this evening.

While the worst damage is to those who have been flooded, there has also been enormous loss and damage in agriculture because of the rain. In my electorate and a lot of others, the grape and wine industries have suffered badly. The grapes absorb water and then split, which ruins them. Not only that, permanent plantings in various areas, particularly around the Murray but also in my own electorate and other places, are under water. People will not know probably until the spring what the damage is to some of those plantings. Big lucerne-growing areas, such as those in my electorate, have been badly affected. Lucerne does not have to be covered for very long before it succumbs. Pastures, summer crops—there is a big list of crops affected by the rain. A lot of the areas, in fact most of those seriously hit, have been in one form or another declared disaster areas category A, B and C. Certainly in most of the areas we are talking about urban residents can get money, local governments are able to apply for money and businesses in agriculture can apply for loans of up to $200,000.

It is not good enough for the government to simply say: 'We've done it. The process can take its place.' Speaking to farmers in the Murray area, my own area and other parts of New South Wales, all of this happened 12 months ago—a lot of these farmers we are talking about have had 10 years of drought, two wet harvests and some of them have had two floods as well—and the problem for a lot of them is that 12 months ago they were judged not to be eligible because they were deemed to be not viable in the long term. Anyone who has survived the last 10 years and the wet harvests or floods in the last two years on top of that are there for the long haul. The government cannot simply say, 'We've set the process in train', wipe their hands and wait for it all to happen. Twelve months ago a lot of people were judged non-viable. Of course, after 10 years of drought and two years of flood people's books are not going to look good. But the government must take the long-term view on this, must look fairly at it and not stick to a rigid view which says that if your figures do not match the criteria of A, B or C then you do not get assistance.
I am the first one to say that taxpayer money should not go where it will not do the long-term job, but farmers do deserve a fair go here. In most of eastern Australia there are a lot of people who will probably once again, as they did 12 months ago, survive and be there for the long haul. This must be done fairly. The Gillard Labor government, Minister Ludwig and his parliamentary secretary must make sure that this is done fairly because a lot of people do need this to survive, not only in my own electorate but all across eastern Australia. As I am sure the parliamentary secretary is well aware, people can only take so much without being given a hand. Some of them have had, apart from the drought, two wet events and it does mount up. Let me say whether it is resowing pasture—a lot of them have got to do that—or simply surviving, they need a hand. (Time expired)

Health Services

Mr WILKIE (Denison) (19:55): Public health in Tasmania is in crisis. For instance, my home state has some of the worst health statistics in Australia including those to do with heart disease, hypertension, diabetes, obesity and a range of cancers. This is no accident of nature, but rather the consequence of many things including the fact that successive Tasmanian governments have failed to effectively promote wellness in the community, including the state government's disinclination this year in the opposition's attempt to establish a joint select committee on preventative health. Just as clear is the failure of both the federal and state governments to build and run a public health system in Tasmania capable of treating these unwell Tasmanians.

Tasmanian medical professionals approach me constantly and complain not of future difficulties but of the dramas which swamp them already and which signal the collapse of health care in the state unless something is done urgently. Just this morning, for example, I received another email from Dr Graeme Alexander, a doctor for 30 years currently practicing as a GP in Claremont. Now I do not agree with everything Dr Alexander has to say, and I have copped my share of his outspokenness over the last 18 months, but a lot of what he says is worth listening to. He wrote: 'I cannot convey to you how desperate things are at present. Our workforce is now dejected and demoralised, many are now openly talking about their plans to leave, particularly those starting out or recently qualified. If we are going to turn things around we need to act now. We not only need a federal takeover, we need the federal government to recognise the failings of their health and hospital reform.'

In summary the federal and state government promised: more doctors and nurses, and they failed; earlier access to elective surgery, and they failed; more funding for our public hospitals, and they failed; and no more blame game, and they failed. We need to start listening to people like Graeme Alexander, and the federal and Tasmanian governments need to put their heads together and finally work out how to save the Tasmanian health system before it is too late. Surely the most important thing they should do is figure out how to transition responsibility for Tasmania's hospitals from the current mangled arrangement to full federal responsibility.

Yes, I know health minister, Tanya Plibersek, and her predecessor, Nicola Roxon, have already dismissed this idea. But that must not be the end of it because federal responsibility for health care is inevitable and the longer Canberra remains in a state of denial the closer the states and territories are to reaching the meltdown reached early in Tasmania. If the Gillard government finds...
that too hard or too public an admission that its health reforms were in fact just a new funding deal then there is no good reason whatsoever why Canberra should not at least agree to an emergency injection of funding for Tasmania's operational health expenses accompanied by a review of the state's health system overall. None of which would let the Tasmanian government off the hook because in the interim it must do what it can to keep alive what is left of the dying public health system. For instance, it must seriously consider closing one of the north-west Tasmanian hospitals and this must be supported by Labor, the Greens and Liberals, who, until now, have cynically put their political self-interest ahead of such a move. Moreover, the remaining hospitals must specialise more to increase capability and save money, and one small health bureaucracy must replace the practice of three of everything.

Someone has to finally stand up to those who exploit the system, as does one particular surgeon who operates four days a week on insured patients at Hobart Private Hospital and sends his many patients needing uninsured revisions to the Royal Hobart Hospital where he operates on them again, this time as priority public patients, for which he is paid by the public system. In other words, his patients are jumping the queue and taxpayers are picking up the tab.

Health care is obviously one of the most important responsibilities of the federal and state governments, but they are letting us down badly right now, and people are literally dying. Those people are often the most disadvantaged and vulnerable members of our community. It does not need to be this way.

The SPEAKER: Order! It being after 8 pm, the debate is interrupted.

House adjourned at 20:00

NOTICES

The following notices were given:

Mr Gray: To present a bill for an act to amend legislation relating to judges and Governors-General, and for other purposes

Mr Albanese: To move:
That so much of the standing and sessional orders be suspended as would prevent the Member for Lyne's private Members' business notice relating to the disallowance of the Renewable Energy (Electricity) Amendment Regulations 2011 (No. 5), as contained in the Select Legislative Instrument 2011 No. 222, and made under the Renewable Energy (Electricity) Act 2000, being called on immediately.

Mr Hartsuyker: To move:
That this House:
(1) notes that:
(a) motorcycling is an environmentally friendly and fuel efficient mode of transport which is rapidly increasing in popularity in Australia;
(b) motorcyclists make up about 1 per cent of traffic but account for 16 per cent of deaths in road accidents;
(c) most motorcycle casualties involve speed and hitting a fixed object; and
(d) motorcycle groups are concerned about the safety implications of the design and location of wire rope barriers; and
(2) calls on the Government to work with the States and Territories to ensure motorcyclist safety assumes increased importance in road design.

Mr Hartsuyker: To move:
That this House:
(1) notes that:
(a) 2012 is the International Year of Co-operatives;
(b) there are two million more co-operative members in Australia than retail share investors;
(c) co-operatives create diversity in the Australian economy;
(d) co-operatives play an important role in delivering services to regional and rural communities; and

(e) some Australian Government industry assistance is not available to enterprises with a co-operative structure; and

(2) calls on the Government to:

(a) support the role of co-operatives in Australian communities; and

(b) continue working with the States and Territories to implement nationally consistent laws governing the operation of co-operatives.

Mr Coulton: To move:

That this House acknowledges the Government's mismanagement of the solar panel program, the Small-scale Renewable Energy Scheme (SRES), in particular, the:

(1) failure of the Government to screen disreputable operators from the program;

(2) failure to warn the Australian public regarding the risks associated with solar installation companies operating with questionable practices, despite indication that this was necessary; and

(3) fundamental design flaws of the SRES program which have caused a glut of Renewable Energy Certificates in the clearing of houses, leading to deep financial stress for reputable solar installation companies and Australian families.

Dr Leigh: To move:

That this House notes that:

(1) on 12 March 2013 the whole of Australia will celebrate 100 years since the foundation of Canberra;

(2) the city of Canberra represents our country's freedom, spirit, achievements and aspirations;

(3) a year-long calendar of events has been planned to mark this special anniversary; and

(4) all Australians are encouraged to participate in the Centenary of Canberra celebrations.

Mr Champion: To move:

That this House:

(1) notes the South Australian Labor Government's proposal to extend trading hours in Adelaide with the exception of certain public holidays;

(2) acknowledges that Christmas Eve and New Year's Eve are important occasions for families and communities to spend together; and

(3) supports the South Australian Labor Government's policy to declare part day public holidays after 5 p.m. on Christmas Eve and New Year's Eve.
The DEPUTY SPEAKER (Ms AE Burke) took the chair at 09:30

CONSTITUENCY STATEMENTS

Child Support

Mr CHRISTENSEN (Dawson) (09:30): Families and parenthood are very important. They are important in particular for children. That is why when families fall apart we need to do all we can to ensure that the child has access not only to both parents but to adequate finance for their future and that it is all done in a fair and reasonable way.

But if my constituent concerns are anything to go by, the current child support system is anything but fair and reasonable. In fact, many would say that the system is broken. Today I want to outline three cases, of many different constituent stories, where the child support system has resulted in an unfair deal. The first I refer to is that of Ken, who lives in the Whitsundays. He is the father of two children. He suffered a separation and his ex-partner now has sole custody of his children. He is awaiting a court hearing so that some court orders for custody can be put in place, but all the while he is not allowed to see his children.

The Child Support Agency is assessing his child support, based on an income of $95,000, when his actual income is significantly less than that. The report that was done by the CSA into his income was based on more false assumptions and wild speculation than one would encounter in an episode of Inspector Morse.

I also refer to Darrell, who lives in my electorate, who has told me that a very good friend of his has to pay child support to his ex-wife in Japan. She took the children off to Japan and will not let him know where they are and, because Japan is not part of The Hague convention, there is no ability for them to come back.

Finally, I refer to John, a fellow in Mackay, whose ex-partner, who is in breach of court orders, took his children to a town 350 kilometres away. They have no contact with him at all. The Child Support Agency is now making him pay for those extra days when he should be seeing the children—but he is not, through no control of his own.

All these issues need to be addressed. It has become clear to me that there needs to be a nexus between the child support system and Family Court orders. To quote one of my constituents:

The Child Support Agency is going to be responsible for a whole new stolen generation in the future. Parents have to pay and pay and CSA has nothing in place to ensure that access is available to parents who are doing the right thing in providing for their children. It is easy to take away money, to take tax returns and drive parents to the brink but hold no responsibility in making sure that the paying parent sees their child.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Ms AE Burke) (09:33): Before I call the next member, I want to welcome to the gallery today senior parliamentarian staff from a number of countries who are participating in the 2012 Inter-Parliamentary Study Program. I welcome you here.
today. I hope you learn much from the Clerks, because you are not going to learn much from us. Most of our behaviour is appalling! Hopefully, you will learn more from what goes on, not from what we do. I hope you enjoy your time in Australia. Thanks for being with us this morning.

Honourable members: Hear, hear!

CONSTITUENCY STATEMENTS

Dandenong Multicultural Youth Soccer Tournament

Mr DREYFUS (Isaacs—Cabinet Secretary, Parliamentary Secretary for Industry and Innovation and Parliamentary Secretary for Climate Change and Energy Efficiency) (09:33): I rise to speak about the launch of the Dandenong Multicultural Youth Soccer Tournament, which I attended on Saturday, 18 February, along with my parliamentary colleague Senator Kate Lundy, then Parliamentary Secretary to the Prime Minister and Parliamentary Secretary for Immigration and Multicultural Affairs.

The Dandenong Multicultural Youth Soccer Tournament, now in its second year, brings together eight teams to compete for the multicultural cup. Participants come from a diverse range of backgrounds: Sudan, Somalia, Ethiopia, Eritrea, Kenya, Djibouti, Sierra Leone, Ghana, Tanzania, Angola, Zambia, Congo, Iraq, Afghanistan, Burma and Iran. Many of those people have of course experienced significant trauma before coming to Australia. The soccer tournament provides an opportunity for these newly arrived migrants and refugees to forge links with the Australian community and celebrates Australia’s unique brand of multiculturalism through the universal language of sport. On the soccer field each person is considered equal. It makes no difference what race a person is, what language they speak or what beliefs they hold. On the soccer field our differences fade away. Although in each game only one team can win, every player in the tournament wins in other ways. I am confident that the friendships formed during the tournament will long outlast the contest on the soccer field. It is fitting that this tournament, an event centred on promoting the values of multiculturalism, is held in the City of Greater Dandenong. Greater Dandenong is a community that brings together more than 170 nationalities.

The youth soccer tournament is one of many events held across my electorate that brings the community together to celebrate our rich cultural diversity. It fits with the way the people in Greater Dandenong live in harmony and share in the opportunities that Australia has to offer. I wish all the competitors the very best of luck and look forward to the tournament grand final which will take place in April.

In keeping with the theme of community spirit through sport and recreation, I was privileged to preview the completely rebuilt Noble Park Aquatic Centre on Tuesday, 17 January at a turning-of-the-tap ceremony. The aquatic centre was officially opened on 8 March.

The aquatic centre is a valuable asset to the local community that can be used by people of all ages, all cultural backgrounds and all levels of physical ability. The recently redeveloped centre offers a range of sporting and recreation opportunities and features a 50-metre heated outdoor pool with ramp access, Melbourne’s biggest water slide, group exercise classes and multipurpose rooms available for community meetings and functions.
The redevelopment of the aquatic centre is an example of local, state and federal governments working together to help create better facilities for the local community. Through the community infrastructure program, the federal government contributed $7.3 million towards this $20.8 million project, which was also funded by the City of Greater Dandenong and a grant given by the former Victorian Labor government. The project supported many jobs and played a part in the protection our Labor government provided to the Australian economy. (Time expired)

Canning Electorate: Insurance

Mr RANDALL (Canning) (09:36): I rise today to speak on two insurance industry issues that have come to light following last year's devastating Kelmscott-Roleystone bushfires that took place in my electorate on 6 February 2011.

The first issue concerns my constituent Mrs Mary Ingram. Mrs Ingram did receive a payout from her insurer, but the same insurance company would not reinsure her property. The Financial Ombudsman Service advised that insurers do have the right to refuse insurance if they deem the risk too high. Mrs Ingram said that the companies that refused her insurance said it was because her property was 'in a bushfire zone'. However, a representative of the Armadale City Council said there were no officially declared bushfire-prone zones in the city at all.

I wrote to the then Assistant Treasurer, Bill Shorten, on 15 November 2011 and asked for confirmation on whether Mrs Ingram was being unfairly treated by the insurance companies that were refusing her insurance. I also spoke to the minister in the chamber when I presented the condolence speech on the bushfires in parliament last year. However, I am still waiting for a response. I suspect it is because he has been promoted and in cabinet now after his assistance in the hatchet job on the member for Griffith, but you would think he would pass on the correspondence to the next minister.

The second issue I wish to raise concerns my constituent Mrs Valerie Kingsley. Mrs Kingsley contacted me to say her insurer had offered a payout amount but it was more than $100,000 less than the value of replacing or repairing the property. Mrs Kingsley has done the right thing and contacted the Financial Ombudsman Service stating why she is not satisfied with her insurer's proposal. Mrs Kingsley is now going through what will be a painstaking process with the financial ombudsman. Mrs Kingsley may see her matter proceed to the panel determination at the FOS, but this is progressing awfully slowly.

It is a year on, and Mrs Kingsley wants to be able to fix her home and move on from last year's devastating fire event. To ensure Mrs Kingsley does not become a victim of the insurance industry as well as the bushfires, I again wrote to then minister, Mr Shorten, to raise this matter with him in January this year. I still await a response from Mr Shorten or the minister that has taken his place.

Under these particularly difficult circumstances I would not want to see any of my constituents adversely affected by the bushfires because their insurance companies have not done the right thing. A year later, these matters are not forgotten. They simply do not go away. I would expect better from both the insurance companies and from the ministers that I have made entree to. I would like to finally take this opportunity to reiterate my praise for
everybody who helped during the difficult time of these devastating bushfires both, as I said, during the bushfires—the firies, the SES—and all those who contributed afterwards.

Smith Family: Learning for Life Program

Ms RISHWORTH (Kingston) (09:39): I was very pleased recently to attend a graduation ceremony for the Smith Family's Learning for Life program which celebrates the recent achievements of many students in finishing high school or further education. The Learning for Life program is run by the Smith Family to help and support disadvantaged young people from preschool to tertiary studies. The program provides financial assistance to help meet the costs of educational items and links students to a range of learning support, in particular to student mentors who provide individual help for students. The Smith Family held a graduation ceremony, and I was pleased to see the many proud faces on the young men and women who were encouraged by the Smith Family to meet their educational goals.

The students I would like to congratulate for finishing year 12 include Benjamin Baden, Ashleigh Bosman, Stacey Bousefield, Anthony Coad, Sarah Danckops, Shaun Dart, Shari Delaine, Samuel Doman, James Edward-Sayers, Aaron Farrow, Caitlin Fegan, Omer Gaco, Kate Harris, Shanice Isherwood, Carmel Johnson, Cameron Laffin, Rebecca Lemonis, Jesse McArd, Kiara McCall, Stephani Mihajlowitsch, James Mikowski, Samantha Murphy, Kaitlin Murphy, Jasmine Pinnell, Jessica Purcell, Moamin Saaid, Tamara Schulmeister, David Sleep, Tegan Szumilinski, Hannah Thackrah-Lambert, Sarah Topp, Sarah Webster, Tallis Wheeler, Amanda Peters and Mark White. Many of these students have very exciting plans to go on with further study, undertake apprenticeships and go to TAFE or university.

As I mentioned, the Learning for Life program also supports and mentors students in higher education and TAFE, and I would like to offer congratulations to Srna Banovic, Ramiza Gaco, Amila Hibeljic, Ana Nevjestic, Emily Salvatore, Emma Unger, Robert Palmer and Marcus Roberts. These students have successfully completed tertiary education and some have aspirations to contribute back by becoming a mentor for the Smith Family.

Education is a very important passport for the rest of your life. The Smith Family is doing a wonderful job to ensure that young people who may come from disadvantaged or lower socioeconomic areas or have difficulties in their lives have the same opportunities to gain an education and ensure that they get the same life opportunities as many of their peers. I would like to take this opportunity to congratulate all those that were successful in graduating. I wish them the best of luck for their studies in the future but I would also like to thank the Smith Family and all the people who donate to them and help make these realisations possible for these young people.

The DEPUTY SPEAKER (Ms AE Burke): I would like to congratulate the member for Kingston on her pronunciation of some tough names.

McPherson Electorate: 25th Anniversary of The Pines Shopping Centre

Mrs ANDREWS (McPherson) (09:42): I welcome the opportunity to speak about the unique suburb of Elanora within my electorate of McPherson on the Gold Coast and the importance of the area's local shopping centre, The Pines Shopping Centre, or The Pines, as it is locally known. Last week on Friday, 9 March, I had the great pleasure of being part of The Pines 25th birthday celebrations. This was more than just a gathering of people acknowledging the 25th birthday of a shopping centre. It was a celebration of the longevity
and success of the hub and heart of Elanora. Trading for 25 years is an important milestone for any business and especially so for a local shopping centre such as The Pines, which has truly been an integral part of the Southern Gold Coast community.

The Pines is a unique shopping centre on the Gold Coast because, unlike other centres in the region, it is not located near the coastal strip and therefore serves predominantly the local community rather than tourists. The Pines is centrally located in Elanora surrounded by the local schools, Elanora State School and Elanora State High School; and right next door is the retirement village, Aveo Pine Lake Village. Rather than just being a place to do your shopping, The Pines is more of a village central, providing the residents of Elanora with a place to buy their groceries, dine out for breakfast and lunch, as well as being a meeting place especially for the elderly community. This is particularly important considering that over 50 per cent of Elanora residents are considered seniors.

I would particularly like to acknowledge several people and organisations that were in attendance at The Pines 25th birthday celebrations. There were members of The Pines senior management team: Stuart Breen, Michael Tree and Sarah Clasen. There were representatives from the Currumbin Volunteer Marine Rescue service. I had the privilege of presenting a cheque from The Pines for $1,000 to the president of Currumbin Volunteer Marine Rescue service, Gary Brown. The Currumbin Volunteer Marine Rescue service provides a tremendous service to the community and I congratulate them on their good work.

The Elanora State High School principal, Fran Jones, was also in attendance. I recently attended that school for the induction of the 2012 school leaders. I congratulate all of the year 12 students as well as the school leaders. Across the road from The Pines is the Elanora State School, which I also visited recently, firstly for the induction of their 2012 school leaders and then just the other week to present an Australian flag. Congratulations to the principal, Patricia Neate, and the deputy, Barry Love, as well as all of the staff, parents and students for their wonderful work.

The fact that so many store owners and eminent local residents were at this celebration or are closely linked to The Pines demonstrates the strong community connection that The Pines has with the Elanora community. I am proud to represent such a community-oriented suburb. I again congratulate The Pines on achieving the milestone of their 25th birthday and for the integral role that they play in the Elanora community.

O'Connor Electorate: Wagin Woolorama

Mr CROOK (O'Connor) (09:45): Last weekend, on 9 and 10 March, I had the great pleasure of attending the 40th anniversary of the Wagin Woolorama. The Woolorama is a fantastic weekend celebrating the best that regional Western Australia has to offer. Despite the heat soaring into the high 30s, the Woolorama attracted over 9,000 visitors through the gates over the two days, with families from across regional Western Australia enjoying the show. It will come as no surprise to members of this House to hear that, as the name suggests, the Wagin Woolorama has a strong focus on the sheep industry. As a former sheep producer for more than 30 years I enjoyed getting along to some of the best livestock in Australia.

The Wagin Woolorama came into being in 1972 following a trip to the Dowerin Field Days, which primarily focused on farm machinery. The Wagin Agriculture Society realised that Wagin needed a feature of its own. The strength of Wagin was in the Merino and wool
industries and a competition at the local school was held to decide on a name. Peter Jenkin, aged 9, and Mark English, 10, suggested the name Woolorama and won the grand prize of $5. And so the Woolorama was born.

On top of the livestock exhibitions, families are able to enjoy sheepdog trials, a sideshow alley, plenty of local entertainment, a beauty competition, a fashion parade—which a lot of the guys get along to—stores featuring local arts and crafts and some great food. The Wagin Woolorama also features one of the best combined displays of farm machinery and equipment assembled in the state, making it a must-visit event for many involved in the agriculture sector.

I enjoyed getting along to the Woolorama with my National WA colleagues. It was a great opportunity to catch up with regional supporters and chat about the issues that are important to them. I would like to congratulate the Woolorama committee, the sponsors and the volunteers who worked so hard to put on this magnificent event. It is a tremendous achievement for a town of only around 2,000 residents to put on an event of this magnitude each year, which Wagin has now been doing for 40 years. For so long the national economy rode on the sheep's back. I love that we still celebrate this every year at the Wagin Woolorama.

Casey Electorate: Wandin Yallock Primary School

Mr TONY SMITH (Casey) (09:48): On Tuesday, 6 March, I was privileged to attend the Wandin Yallock Primary School in my electorate of Casey to present badges and certificates to school leaders at their special assembly. I would like to acknowledge each of the school leaders. I am sure that they will do a great job this year at Wandin Yallock Primary School. The school leaders are: the junior school council representatives Joshua King, Grace Sculthorpe, Hayley Bristow, Jack Chaplin, Aaron Canale, Grace Sibley, Emma Wilkins, Alec Pullen, Holly Lancefield, Marcus Salvitti, Steven Radmanic, Elise Sibley, Brianna Barker and Carson Ford; the junior facilities team of Blayne Malony, Allannah McDougall, MacKenzie Duck, Charlotte Lancefield, Patrick Baker, Emma Pullen, Joel Williams, Erin Shaw, Katelyn Radmanic, Kayne Adams, Tammy Eastham, Oska Schelfhout, Allannah McDougall and MacKenzie Duck; the tech team of Callan Bentley, Siobhan Pullen, Grace Sibley, Jake Lamonica, Joel Williams, Alec Pullen, Lachlan Ammann, Katelyn Radmanic, Tom Parrot, Steven Radmanic, Emily McIntyre, Nick Salvitti, Brianna Barker, Kayla Murphy, Lewis Johnson, Todd Garner and Brooke Powell. Wandin Yallock is a school with a wonderful community spirit and a fantastic history. It was founded in 1870 and was very much the cradle of the first students in the Yarra Valley. The school celebrated its 140th anniversary just a couple of years ago. It has seen so much history in its time. It was wonderful to see third and fourth generation students going through the school. I was very pleased on that historic occasion to present the school with an Australian flag—in fact it was a chamber flag—for their important commemoration.

The school takes a great interest in not just their local history but civics specifically. They make the trip to Canberra every year and in fact visited Parliament House in the first sitting week of this year. I pay tribute to the school community and to all of the school leaders and to Principal Christine Shiel, who does such a wonderful job there.
**Corio Electorate: Geelong High School**

Mr MARLES (Corio—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Foreign Affairs) (09:50): Earlier this year I received a letter from a senior student at Geelong High School, Matt Hrkac, complaining bitterly about the conditions of buildings at his school, particularly the Winstanley Wing. He wrote of teachers and students working in classrooms with cracked walls, substandard heating and no cooling, of a school community making do with a hotchpotch of ageing and poorly designed classrooms where students were being asked to do their best in buildings long past their best. Matt's letter was a passionate appeal from a young man who clearly loves his school, likes his teachers, and believes they all deserve better than the deal they currently have. Last month I took up Matt's offer to visit the school and tour its buildings.

Geelong High School is Geelong's oldest state secondary school. It is an iconic educational institution in our city, that two years ago celebrated its centenary. What I saw shocked me. The food technology and art rooms in the Winstanley Wing are in a particularly bad way. In these poorly designed spaces I saw power outlets on walls next to sinks and seven stoves in a classroom intended for use by 22 students. The art rooms were in reality decommissioned science rooms that were supposed to be a short-term solution nine years ago. What is needed is a complete rebuild of the area.

The school has lobbied the Victorian government to fund a master plan that would take the project through to the design phase so that the true cost of rebuilding would become clear. The former Brumby Labor government approved the project to that stage in 2010, but the Baillieu government has refused to match that promise and has left the school feeling badly let down. Geelong High has been identified as one of the 50 most needy schools in the state, requiring urgent maintenance. This is welcome, but it is not a long-term solution. I know the school does not want what is essentially a bandaid solution to remove the imperative for real building improvement.

The member for Geelong, Ian Trezise, is a big supporter of the rebuilding program and is petitioning the Baillieu government to act now. We do not want another generation of students educated in this archaic facility. The Victorian Liberals need to commit to funding the design of a master plan. This would be an estimated $200,000 well spent. Federal Labor knows the difference top-class facilities make to learning outcomes. That is why this government embarked on the biggest investment in education infrastructure since Federation. What is needed is for the Victorian Baillieu government to show us how much it, too, values education.

I thank Matt for his letter and his political courage. He is as good an indication as any that despite substandard classrooms Geelong High is nurturing first-class students.

**Bennelong Electorate: Carbon Pricing and Ryde Council Costs**

Mr ALEXANDER (Bennelong) (09:53): During the parliamentary debate in September last year I referred to the impact that the carbon tax would have on the balance sheet of my local council and the flow-on effect to mums and dads in our community. Ryde City Council's largest expense is electricity with over 63 per cent for street lighting, which generates 39 per cent of their total greenhouse gas emissions. Local government does not receive compensation, so a carbon tax on their highest expense will mean that the council will need to
find increased revenues to pay for it. The council's largest source of income is rates, which are locked in for the next four years under an agreement with the state government. I was mocked in this House by the opposite side for delivering the following words about the council's revenue:

The second highest source of revenue is from community tenants, primarily those using sport and recreational facilities. These tenants—the football and cricket clubs that local mums and dads take their kids to on weekends—will inevitably face a sharp increase in their costs, leading to major pass-through costs to those same mums and dads just for giving their kids some time to enjoy the Australian rite of organised sport at the local park or pool.

Not six months later, today's edition of the *Weekly Times* leads with the story 'Sports Fees Outrage':

Sporting groups are outraged by Ryde Council’s decision to jack up sporting ground hire charges by 25 per cent.

It would be levied on local sports associations, which are expected to pass on their charges to parents. Small schools which hire Ryde city sports grounds may also pass on the charges to increase school fees. In St Gerard's Netball Club mum Karen Stonnill was stunned to hear about the fee hike. She said:

We enjoy our sport so much but now we'll have to make choices about paying our mortgage and bills or playing sport.

And further:

If the bills also rise, sport will not be an option and my family will have to miss out.

I shudder to think of the long-term impact that these decisions will have on our nation's health and our health budget. I understand that local councils need to operate like a business. As a ratepayer we expect the balance sheet to add up. And if a great big, new cost is imposed on one side of the ledger, then more income must be found on the other side.

Before the carbon tax has even come into operation it is starting to hurt mums and dads in my local community. Small and large businesses, including local councils, need to plan ahead. It takes time for new processes and pricing arrangements to be implemented.

I urge this government to plan ahead, to look at the devastating consequences this carbon tax is already starting to have on every level of our community for no environmental gain—and to dump this toxic tax! Or, as Yusuf Islam, also known as Cat Stevens, once sang: *Where Do the Children Play?*

**Jervis Bay Territory**

**Dr LEIGH** (Fraser) (09:56): When Canberra was founded it was decided you could not have a capital city without a port, so one part of my electorate is the Jervis Bay Territory. It was my great pleasure last Thursday to visit the Jervis Bay Territory for the 25th anniversary celebrations of the Wreck Bay land grant. In 1987, the then Minister of State for Aboriginal Affairs, Clyde Holding, a minister in the Hawke government, held an important ceremony to grant land to the Wreck Bay Indigenous community. The Wreck Bay Aboriginal Community Council now has an elected executive. I would like to personally thank them for their hard work in making these celebrations such a success: Craig Ardler, Joseph Brown-McLeod, Annette Brown, Julie Freeman, Jennifer Stewart, Clive Freeman, James McKenzie, Cyril Todd Roberts and Darren Sturgeon.
At the local celebrations some of the Indigenous kids performed rap music they had written themselves. The whole community came together to celebrate what has been achieved over the past 25 years. At the core of the success of the Wreck Bay Indigenous community is education. I am very pleased to be able to report to the House the investment by this government in regard to the Gudjagahmiamja Multifunctional Aboriginal Children's Service, an early childhood centre, which is providing great educational opportunities to children in the Wreck Bay community.

The Jervis Bay School, under the leadership of Bob Pastor, goes from strength to strength. It is performing well on its NAPLAN scores on a like-schools basis. It has a splendid new BER building, which is being used very effectively by the school. It is working on cultural awareness training and students will soon be learning the local Dhurga language. I chatted with Dawn, one of the Indigenous elders there, who spoke with some sadness about how, when she was a child, she did not get to learn Dhurga but is delighted that the young children in the community will.

There are new jobs at Booderee National Park, which in the Dhurga language means 'bay of plenty' or 'plenty of fish.' The opportunities available through the Booderee National Park are terrifically important to the community.

I also had the pleasure of visiting HMAS Creswell. That was my first visit to the naval base, though I have made three visits to the Jervis Bay Territory. I was grateful to Captain Brett Chandler for showing me around. I also learnt that there is a building on HMAS Creswell which could house the parliament, were this building to become unusable. I do urge the parliament to consider perhaps taking a holiday sitting in the gorgeous territory of Jervis Bay.

(Time expired)

The DEPUTY SPEAKER (Ms AE Burke): Order! In accordance with standing order 193 the time for constituency statements has concluded.

STATEMENTS ON INDULGENCE

Australian Floods

Ms BRODTMANN (Canberra) (09:59): The images of the floods that we have seen in the last few weeks have yet again highlighted the resilience of the Australian people across the eastern states of Australia as we have borne witness, once again, to another natural disaster. We have all seen the pictures of abandoned cars, of houses full of silt and mud, of water up to the eaves of houses, of people driving around in boats where normally the main streets are, of stranded livestock and of people spending the night bunked down in emergency accommodation. These events seem to be occurring far more regularly than in the past. The CSIRO report that came out last night indicated that the world is going to get warmer and wetter in the future, so we will probably be seeing these very graphic and distressing images far more regularly. The thing that strikes home to us is the real impact that these situations have on people's lives—the huge destruction and the huge trauma that they cause to people across the nation.

As the Prime Minister pointed out yesterday, many areas in regional Australia are still bracing for the floods as the water makes its way towards their communities. I can only imagine what they must be going through and the trauma, the fear and the terror that they
must be facing in having, possibly, their lives' work disrupted or ruined and the years it is
going to take for them to recover from that situation. We had nothing on the scale of what we
saw in New South Wales here in Canberra but we did get a little taste of it, particularly in
Oaks Estate and Tharwa in my electorate, and over the border in Queanbeyan.

Last Monday I went out to Oaks Estate to see the impact of the floods there. There is a road
that flanks the side of Oaks Estate that has been specifically designed for heavy traffic to
drive around the edge as a shortcut from Canberra to Queanbeyan. That road is very low-lying
and it has been completely washed away. Essentially it is one big river now with torrents of
water running past it. I do not want to think about the damage bill. The community of Oaks
Estate is a very small, tight and loyal community and they underscored to me the impact that
it is having on their businesses. There is a successful floristry business there and the owner of
that business said that this road being washed away has been an ongoing problem. He also
highlighted the fact that as a result of large vehicles not being able to get to his business it has
an impact on his bottom line of about $100,000 over a number of years, so they are significant
figures for a very successful small business. As anyone knows who has been in small
business, that is a significant sum.

I also went out to Tharwa that afternoon and the road crew kindly gave me a tour of the
work that they have been doing, working overnight, 24/7 over that weekend while the rains
were still coming, to get the bridges fixed out at Tharwa particularly at Angle Creek crossing
just outside of Tharwa, again a very low-level bridge. Both sides of the bridge at Angle Creek
crossing had been washed away so there was no way that people could get onto the bridge.
The crew was working overtime to get the entry points onto the bridge built and secure so that
people could make their way to work, because otherwise they had to drive a circuitous and
lengthy route to get to work. I commend the work that those road crews were doing. They
were doing a great job above and beyond to ensure that the people of the Tharwa area could
use that bridge as soon as possible.

The impact of the floods in the Canberra region has been relatively significant but, as I
said, nothing on the scale of what we saw throughout New South Wales. The real impact is on
the infrastructure and the roads. Driving throughout Canberra you see potholes everywhere.

Also, the new Cotter Dam wall, only half complete, overflowed not long ago and the spill
caused damage to equipment, further delaying the project. The delays are having an impact on
the workers as well. As a result of the heavy rain, a number of workers have been stood down.
My colleague Dean Hall at the CFMEU is very concerned about it and has been working
closely with the company managing the building of the new Cotter Dam wall to ensure the
workers are looked after. As I said, there have been road closures and parks and reserves have
been closed due to dangerous conditions. Even Lake Burley Griffin has been closed.

Everyone in New South Wales would be well aware that many of the local shows did not
take place. With Canberra being in the Capital Region, we are deeply connected to
surrounding areas and we know the amount of work local communities put into their shows.
They are one of the highlights of their social calendar. Even though those events were
postponed, I understand many of them took place last week. I had planned to be with
Tuggeranong Community Council on Clean Up Australia Day to help clean Lake
Tuggeranong, which has also had some impact from flooding and severe rains. That clean-up
also had to be cancelled because of the torrential rain—it was biblical. We saw severe weather warnings in Cooma, Queanbeyan and other parts of our region.

Today I want to focus on Wagga Wagga, given the connection with Canberra. As we know, a week ago we had news that Wagga Wagga was under threat from some of the worst floods since 1853. The thoughts and prayers of Canberrans went out to the people of Wagga. When I was at ANU, there were a lot of kids from Wagga studying at the ANU and now Canberrans go to Wagga to study. I am organising a number of forums with schools around Canberra in April and May to talk about the school funding review. I will be doing the government schools in clusters, the independent schools individually and the Catholic schools as a series of groups. So last week I was at St Edmund's College talking to the principal. I had a tour of the school and spoke to the school community for International Women's Day. The principal was telling me that a number of students come from Wagga to study at that school and that a number of the Wagga families had been affected. He was in a dilemma as to what to do, whether to send the kids home or to keep them here. The kids were naturally traumatised. They were concerned about their families and about the impact of the floods on their community. So floods have a knock-on effect right around the region.

Wagga was declared a disaster zone and almost 9,000 people were evacuated, as were smaller towns nearby. Thankfully the Murrumbidgee levee held and Wagga residents were able to return home, but the clean-up continues. I am sure there are many people who understand what the residents of Wagga are going through. I urge them to help. A Wagga appeal has been set up. I encourage Canberrans to contribute even a small amount to help the people of Wagga rebuild and get on with their lives. Canberrans are great volunteers. We have the highest volunteering rate in the country and we are also great contributors to those in need. So I encourage Canberrans to dig as deep as they can to help with the Wagga appeal. If there is anyone in the Canberra region who is still concerned about the impact of the floods I encourage them to call Canberra Connect on 13 22 81 for up-to-date information on road closures and bridge closures.

Finally, I have focused on the Wagga region for this speech. My colleague from Eden-Monaro will talk about Queanbeyan, to which we in Canberra are very closely connected. I commend the member for Riverina for the work he did during the floods. We saw him a lot on the television. I know from the experiences of the member for Eden-Monaro in 2010 that it is incredibly traumatic for the communities, and that that trauma is shared by the local member. I commend the work of the member for Riverina in looking after his community and trying to help them through this difficult time. Once again, I encourage Canberrans to donate to the Wagga appeal.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (10:10): Natural disaster declarations have been made in some 63 local government areas in New South Wales and Victoria, which gives an idea of the scale of these floods. I acknowledge the work that has taken place from the federal government, state governments, local governments and, most importantly, from volunteer organisations, particularly in areas such as the Riverina.

Today, though, I take the opportunity to recognise the work that takes place in urban communities. I would like to recognise the contribution of the Marrickville SES in the recent rain and flooding in the inner west of Sydney. In my electorate the Cooks River flooded;
houses were affected and cars floated away. There was a devastating impact in a way in which I, who have lived in the area my whole life, have never seen. It was the worst I have seen occur.

During the storms last week and the flooding that occurred in the inner west of Sydney, the Marrickville SES unit was involved in 47 flood and storm operations which included flood response, tree and debris removal, local road closures and traffic response. The Marrickville SES unit services the entire Marrickville local government area and is led by local controller Michael Carney, who has served our local community for 22 years now. It is important to recognise that these people are all volunteers. They give up their own time to go out whenever there is an incident. In the past, it has been more storm damage that they have had to deal with, including major storm damage some years ago.

The unit is involved in many local community events and provides a wide range of local education programs—there are committed volunteers at every single local community festival and event. On Sunday I attended Bairro Portugues, the Portuguese festival in Petersham hosted by Marrickville Council. There it was quite evident that the local community were going up to the SES, who were wearing their traditional orange uniforms, and thanking them for the contribution that they make. The NSW State Emergency Service is dedicated to helping people when they are in most need. In NSW, the service consists of 231 units and over 10,000 volunteers. I take this opportunity to thank those people, whether they be in rural communities or in urban communities such as mine, who make such a great contribution to civil society.

**Dr Mike Kelly** (Eden-Monaro—Parliamentary Secretary for Defence) (10:13): It is a privilege to rise to make a statement on indulgence, given what we have heard about the sterling and magnificent efforts of all our first responders and emergency organisations and the great work they have done in the context of the challenges—the extensive flooding—that have been thrown at our communities in two successive years. I would particularly like to add my thanks to and respect and admiration for the members of the SES, the RFS, the police and the ambos, who have all been extremely busy over this disastrous period of time in the last few weeks. I went to visit the SES headquarters in Queanbeyan. There are a lot of very fine men and women there, volunteers all, who have done some sterling work, including a large number of flood rescues. I think we saw something like 164 flood rescues performed by the SES in New South Wales during the last few weeks. One performed in Queanbeyan was a perfect example of the courage and dedication of our first responders. A gentleman who was caught in the Queanbeyan River flooding was spotted by the Queanbeyan police, who dived in to try and rescue him. They got into a bit of trouble trying to do that but were quite happy to put their lives on the line to perform that effective rescue. In the end, the SES were able to ensure the safety of all of those people involved. We salute the service of those first responders doing a great job.

My region suffered terribly from the floods last year. I live on the Queanbeyan River and I watched nervously as it rose and threatened the homes around me and my own home. Fortunately, we avoided flood damage, but many others suffered the effects of that. This year Queanbeyan avoided the worst of that, but of the other councils in my region—I have seven councils in my electorate—five have been declared disaster areas: Palerang, Bombala, Cooma-Monaro, Snowy River Shire and Bega Valley Shire.
I was distressed also to see the damage and threats that were posed to the populations of the areas of Tumut and Tumbarumba, which were part of my electorate before the last redistribution. I would like to give special comment and praise to the member for Riverina, Michael McCormack, who is now representing those two areas and doing a very fine job of making sure he was out there assisting in relation to the flood damage in Riverina. We all salute the service that Michael is rendering to Riverina and those former parts of my electorate in Tumut and Tumbarumba. Well done to Michael.

The damage in my region has highlighted the sorts of challenges that are posed by these floods to local councils. It has also been a terrible disruption right across our region, because this is the show season. For the first time in its history the Bemboka Show has been cancelled. We have seen Dalgety, Delegate and Cooma shows all affected. This is a terrible blow to these rural and regional communities, who often focus on these events as a key way of promoting their produce, getting together and celebrating their success and results of their work and enjoying themselves. It has been a very sad time having those shows cancelled, and they also bring in a lot of income to these local communities, so we have forgone that.

A particularly bad blow in the region has been the loss of the Brown Mountain road, which is the main link to the far South Coast and the Canberra and capital region. Many people use that road to come up to the ACT for vital health services, work and education. It is an absolutely critical artery, and we have seen the total subsidence of a section of road on Brown Mountain. The estimate from the RTA is that they may not have that road open until Easter. That is going to be a very significant impediment and blow to all of the people living in that far south region to not only their amenity of life but the towns of Nimmitabel and Bemboka particularly depend on passing traffic—the bakeries and the famous Bemboka Pie Shop, whose wares I have savoured many times; I particularly love their pepper steak pie and recommend it to everyone—and are suffering very badly from that loss of traffic through the area. We are seeing significant impact around my region, and the disaster relief assistance is going to be very much appreciated for the repairs, principally to the roads and bridges.

There has been a lot of farm damage. In the last year I toured around areas of New South Wales and visited a lot of farmers and councils as part of my portfolio responsibilities formerly in agriculture, fisheries and forestry. It was a terrible tragedy then because last year's crop was going to get people back on track after having suffered through so many years of drought. We saw a real knock-on consequence of not being able to get the headers moving south from Queensland to Victoria and getting bogged down; the roads preventing those whose crops were not flood damaged from getting to market; and the many kilometres of fencing that were destroyed, which poses a huge problem for farmers. Over in the Wagga area I remember visiting one farm where the flooding came down from the Tumbarumba region and had washed a huge quantity of gravel over the topsoil so that there was about a metre of gravel over the top of that topsoil, denying the farmer even access to his productive soils. Interestingly, too, we have seen a lot of infrastructure that was obviously many decades old being exposed for the faults of the civil engineering technologies of the time. One particular bridge I saw there had the approaches completely washed away, though the bridge itself was intact. What we also have to focus on in response to these disasters is what people refer to as betterment. As we rebuild these bridges and roads, we should look to the best possible civil engineering technology and the latest advances to prepare ourselves for these major disasters,
which appear to be a pattern that we will be having to deal with in a wash-out, if you will pardon the expression, from the climate change effects that we seem to be experiencing—the situation where our weather events are increased in intensity and significance.

This poses a planning challenge to all our councils, and the federal government is very keen to work closely and directly with local councils. It is one of the reasons why we really enjoyed working with them directly through the Australian Council of Local Governments. We are hoping now to see a referendum go forward which will give local councils status under the Constitution and through that mechanism enable the federal government to get even more closely involved with supporting them. They all face big challenges in their operational budgets, and I work closely with Mayor Walter Reynolds and his general manager, Peter Bascomb, in Palerang; Mayor Bob Stewart and general manager Don Cotte in Bombala; Dean Lynch in Cooma-Monaro and his general manager John Vucic; Mayor John Cahill and his general manager Joe Vescio in Snowy River; and of course Tony Allen, the mayor of Bega, and his general manager Peter Tegart. We have got fine men all doing great work for their communities, but the challenge of their operational budgets and sustaining infrastructure is getting beyond a lot of councils and we need to find a better way of supporting them in the years ahead.

I commend all those who are out there working hard in the councils and our first responders, but also, given my current responsibilities in the Defence portfolio, I would like to pass my thanks to our wonderful men and women of the Australian Defence Force who have been out there rendering great assistance in support of our superb member for Riverina, Michael McCormack, who has been at the forefront of his community's efforts. I know he has appreciated the presence of the ADF and in particular Colonel David Hay, who is out there. They are doing great work in sandbagging—which obviously we have a fair bit of experience with in the Defence Force—evacuations and transport operations and supporting the efforts of the SES and the emergency personnel around those affected areas. I like to make sure that the Australian community is aware that the Australian Defence Force provides this sort of disaster assistance and relief and support to the community on a regular basis. There is rarely a time when some element of the Defence Force is not involved in some way in supporting the community year-round and deploying the assets and the heavy-lift capabilities that the Defence Force is capable of in support of our own communities. We do welcome their involvement and I salute and praise their services as well.

I am heartbroken to see some of the damage that has been caused all around our region and, as I said earlier, my former areas of Tumut and Tumbarumba, which are now being well looked after by the current member. But the silver lining to the cloud is seeing the way this Australian community and our volunteer services respond to emergencies of this nature. It is extremely heart warming and I think it is a rare thing in this world. As you travel around and see the problems international communities face, I think they would give their right arm to have the sort of voluntary support that we experience in this country. I salute their service.

Japan Natural Disasters

Debate resumed.

Mr McCormack (Riverina) (10:24): It is 12 months since Japan was devastated by a nation-changing disaster that rocked the country to its very core but did not dent the will of its people. Japanese people are proud, resilient and strong. They have needed to be over the past
year as they pick up the pieces of broken lives and shattered cities, as they mourn for those who never came home and as they look to the future with expectation and with hope.

On 11 March 2011 at 16.46 Australian Eastern Standard Time a massive earthquake and tsunami took 19,000 lives and devastated the landscape. A nationwide minute of silence was observed at 2.46 pm on Sunday 11 March 2012, marking a year since the magnitude 9.0 tremor slammed Tohoku and set off the area's worst tsunami in centuries. Trains stopped running to allow people a moment to pray and to reflect. Flags flew at half-staff. The entire nation fell silent—an eerie happening in such a bustling, vibrant, populous country. It is hard to believe it has been one year. Small rural towns and villages disappeared as the devastating wave engulfed everything, leaving nothing but small remnants indicating that human life had once resided there.

A former Wagga Wagga family was in Fukshima when the earthquake and wave hit. Michael Allen and his family had moved to Japan some years before and considered the now demolished city as their home. Speaking from Tokyo at the time, Mr Allen said he planned to stay in Japan. He told local journalist Ben Higgins at the Daily Advertiser:

We plan to stay ... but it depends on the nuclear situation.

Our home is the epicentre of the disaster ... And there are major concerns over whether we can ever go back.

Mr Allen did not want to abandon the Japanese people in their time of crisis, their hour of need—and that he did not. Many people from Wagga Wagga, from other areas in Australia and from all over the world returned to their devastated areas to help the people of Japan put their lives back together.

Japan is a good friend of the Riverina. Our links are strong; our links are long. We enjoy close associations through tertiary education and food trading. May those ties that bind us continue. May Japan recover as best it can from this dreadful tragedy. And may its people's willpower and courage long endure.

**Australian Floods**

Debate resumed.

**Ms SAFFIN** (Page) (10:27): I would like to put on record some comments about the floods in New South Wales and, in so doing, talk a little bit about my area, the Northern Rivers. I live in Lismore and I am very familiar with floods, having experienced a lot of them over many years. So I will also talk a little bit about that. But firstly I would like to associate myself with the comments that the Prime Minister made in the House yesterday on the floods and also to express my sympathies to the people who are caught in floods and are having to deal with their impacts. I would also like to acknowledge and commend all the voluntary services—the SES, the Rural Fire Service—and all the charitable agencies who get very involved at flood time. I would also like to acknowledge local governments because they do a lot of work in flood time. They have various mechanisms in place in my area such as a mobile phone alert and all sorts of other things to make sure that people get to know what is happening. The workers do an enormous amount of work and a lot of that is voluntary. There are a lot of good employers who ensure that people who are volunteers with the SES are able to take that time off work and not be penalised. There is often talk about whether we should
have certain legislation around areas like that, but my experience at home is that there are a lot of good employers, and I say 'well done' to them.

During the floods in my area, on the north coast on 8 February the estimated damage at that point was $7 million and climbing. This was just an initial assessment before all of the assessment work was done by the local government area. That was an early and rough estimate, because there was also a lot of damage to the roads. But we can repair those. And I have spoken in this place before about the tragic loss of life that happened in my area.

In our country we have a very good response system. I will not say that we are lucky, because it comes down to a lot of hard work and effort on the part of communities, agencies and governments. We respond with a team approach and respond very well as we have expertise in this area. As the parliamentary secretary will know, that expertise is being tapped region-wide, and in fact internationally, in emergency services and management and in our response to natural disasters. Various neighbouring countries often ask us for assistance in that area. People look to us and the way we respond. We are helping in various areas and there will be a lot more interaction in that area.

I also would like to mention our Defence Force personnel. I have lived in flood areas for a long time. I heard the honourable member for Blair talking about Ipswich. I grew up in Ipswich and I live in Lismore, so I have always been in flood areas. I have been involved with floods and lived in houses I have raised about floods. I live on the river now. On Australia Day the water came across my land. I did not go out, which was unusual for Australia Day, because I could not get out. It was the first Australia Day I spent at home and not out at public functions. Instead I watched the water swirl around me. So I know a bit about floods.

I heard the member for Blair talking last night in response to the report. He said that the 1974 flood in Ipswich was a bigger flood but there was less damage because we now have such huge urban development. That changes the nature of the way the floods go and the impact and damage they cause. That is one of the things we are still trying to catch up with. One of the challenges of urban planning and development is how we plan around floods, because so many places have been built on flood plains.

Another issue to do with floods and insurance concerns the fact that in some areas just because you live on a flood plain the premiums go up exorbitantly even though you may not have been flooded. This has been happening for some time. In one area near where I am insurance is $2,000 without flood cover and $6,000 with flood cover. This is another issue that we are trying to grapple with.

They are the only comments I would like to make, and, because I do involve myself in debates about floods and insurance and all the issues that arise with them, I would like to associate myself with the comments that were made.

Japan Natural Disasters

Debate resumed.

Mr MARLES (Corio—Parliamentary Secretary for Pacific Island Affairs and Parliamentary Secretary for Foreign Affairs) (10:34): I rise to speak in support of the statement made by the Prime Minister on the anniversary of the Japan tsunami and nuclear disasters, which were sparked off by an earthquake that occurred on 11 March last year. This was one of the five largest recorded earthquakes in human history and it unleashed a tsunami.
of enormous proportions which hit the north-east of the island of Honshu in Japan. The devastation that was wreaked by the tsunami was utterly shocking and unimaginable. It gave rise to stunning visions on TV. It is hard to imagine the force behind a tsunami but you could see it in the incredible pictures that we saw on our TVs. Nineteen thousand people were dead or missing as a result of the tsunami, thousands more were injured and hundreds of thousands more were left homeless. Whole villages were swept away and, as is always the case in natural disasters of this kind, the way in which the natural disaster impacts upon the community is not uniform and is certainly not fair—it can be extremely arbitrary.

One elementary school in Ishinomaki, Miyagi—the Okawa Elementary School—lost 74 of its 108 students. It lost 10 of its 13 teachers and staff. One of the great tragedies of this tsunami was that it occurred whilst children were gathered during school hours. It is unimaginable that you could head off to school in the morning or send your kids off to school as a parent and by the day's end find that three-quarters of those who attended that school and most of the staff had perished. But that was the nature of this extraordinary event.

As a consequence infrastructure was completely wrecked in the vicinity of the tsunami, particularly the Fukushima nuclear plant, which had a significant radiation leak as a Debate resumed. All of the tsunami. That in turn gave rise to a range of issues and consequences in the region of the power plant. Former Japanese Prime Minister Kan described it as the most testing moment in Japan's history since the Second World War, and I am sure all of us would agree that is exactly the nature of the situation that Japan faced.

Australia's reaction to the tsunami was very swift and makes one proud as an Australian. We were very keen to be there on behalf of our brothers and sisters in Japan. A $10 million donation to the Japanese Red Cross was announced very quickly and soon after that we saw emergency workers, including urban search-and-rescue teams, deployed to the Miyagi region of Japan, exactly where the Okawa school was washed away. I know that every Australian was proud of the contribution that those emergency workers made in the immediate aftermath of the tsunami. This happened at the conclusion of a Southern Hemisphere summer of disasters and tragedies. There were the floods in Queensland and Victoria, bushfires in Western Australia and then the tragic earthquake in Christchurch, but this was of a magnitude completely different to what we had previously seen.

Not long after the tsunami two prominent Australians visited Japan in a way which was incredibly important to the Japanese. The first of course was our Prime Minister, Julia Gillard, who was the first foreign leader to visit Japan in the aftermath of the tsunami and to tour the devastated region. She spoke very eloquently at the time and indeed in the last two days about the effect that it had on her, but I also know the effect that her visit had on the people of Japan was one which gave them an enormous sense of confidence and also a sense that the world was standing in solidarity with them against this incredible tragedy. The other person who was in Japan at the same time as the Prime Minister was Kylie Minogue, who was performing a series of concerts in Japan. As I understand it, she asked her touring crew whether or not, given everything that had happened, they wanted to visit Japan in the aftermath of the tsunami and nuclear disasters. She was going to go through with the concerts that she had planned and indeed, as I understand it, her crew came with her. Being able to perform in Japan in the aftermath was something that the Japanese regarded as very important, knowing that the international community was standing with them.
In my capacity as Parliamentary Secretary for Pacific Island Affairs I visited Japan on 9 June last year, almost three months after the tsunami. At that point I was really struck by the life that is led in a country which is prone to earthquakes and earth tremors. Indeed, there was a tremor on the day that I was there, which was very noticeable where you could see things move. Incredibly, there is now a phone app, which, literally within a matter of minutes after an earth tremor, will tell you the size of it and where it occurred. That says something about the ever-present nature of the shifting earth in a place such as Japan and what the people there live with on a day-to-day basis.

I met with a number of Japanese politicians in the context of my duties as Parliamentary Secretary for Pacific Island Affairs. In the afternoon I also had a meeting with a couple of members of the Democratic Party, members of the Japanese Diet, Keiro Kitagami and Norihiko Fugita. Both of them are members of the Australia-Japan Parliamentary Friendship Group in the Japanese Diet, which of course is the parliament of Japan. They spoke fulsomely about their respect for both Julia Gillard and Kylie Minogue in coming to Japan in the immediate aftermath of the tsunami. They said there was a sense that all of them felt that they laughed about this, and it was good to see that their humour was intact. If you had taken a satellite photo of Japan in the aftermath of the tsunami, in terms of the international reaction to it all you would have imagined that Japan was glowing green because of what had happened at the Fukushima plant. Of course, that was not the reality. Tourism and international trade and people going in and out of Japan are very important parts of their economy. They were deeply concerned that this international perception of Japan, in the aftermath of the tsunami, would mean that people would not come to Japan. They cited the actions of our Prime Minister, Julia Gillard, and Kylie Minogue as being very important to overcoming that invalid international perception. There is no question that the Prime Minister's visit to Japan was one of the most significant visits that an Australian head of state has ever made to that country.

In conclusion, in the global community of nations Japan and Australia are the very best of friends. Japan is a close ally in all that we do. It is a partner in what I do, representing this country in the Pacific. I will be in Japan in a couple of months time in that capacity. We are very close friends with Japan. It is a key trading partner of our country. There is an enormous sense of kinship between Australia and Japan. Our hearts went out to Japan this time last year and our thoughts are very much with them on the anniversary of that terrible occasion.

Mr HAWKE (Mitchell) (10:43): I rise in support of the statement of the Prime Minister in relation to Japan and acknowledge her remarks and the remarks of the Leader of the Opposition, Tony Abbott, and those of the Leader of the Nationals, Mr Truss. I recently had the opportunity to lead a delegation of Australian MPs and young political leaders to Japan. In fact, we just returned from Japan on Saturday, preceding the one-year anniversary of the disasters. On the delegation were Jill Hennessy, the state member for Altona; Matthew Groom, the state member for Denison; and Ryan Batchelor, Chief of Staff to Minister Macklin.

The disaster is known as 3/11, representing an unprecedented challenge for Japan and its people. The main shock, at a magnitude of 9, was one of the highest ever recorded earthquakes in world history. However, many people do not know that there were over 96 aftershocks at levels 6 and 7, and at level 5 or greater, over 580 aftershocks. The earthquakes,
which Japan of course was well prepared for, triggered a tsunami of a scale completely unimaginable to the human mind. Going there and seeing the 15-metre high watermarks that wiped away those buildings and towns is something that really does expand your mind in terms of belief. The tsunami led to the nuclear incident off Fukushima, which makes up the triple disasters of 11 March. There were devastating consequences from these disasters: 15,700 died, 4,500 are still missing and over 5,700 were injured. These were the immediate consequences of these awful disasters, with over 124,000 people having to be evacuated and temporarily resettled. Japan is still wrestling with the question of how to resettle those people unable to return or who have nothing to return to from this immense devastation.

It is really quite difficult to understand exactly how vast the nature of the devastation was until you see it in person. We saw the horrific scenes of devastation in every town that we visited, coastal and otherwise—and inland, quite substantially inland—that were devastated. All of us on the delegation were shocked. Boats were still on the top of buildings. Entire towns and places were completely devastated and removed. The difficulty and the challenges faced by those recovering, and their personal and deeply moving stories were sometimes unbelievable.

We visited the empty space that was once Minamisanriku. Standing in front of the skeletal remains of the disaster centre was a profoundly moving experience. The only structure left in this entire plain was the twisted metal of the disaster structure which was made of reinforced steel. On level 3, you could still see the machine that was used to warn the entire town that a tsunami was coming. We heard the story of a young 25-year-old Japanese girl, who made the announcement to warn her fellow citizens that a tsunami was coming. She was swept away an hour later—that certainly moved all of us on the delegation.

It was so appropriate that the Prime Minister visited and held a fundraising dinner soon after these disasters. In our opportunities seeing and visiting the recovery of Miyagi Prefecture and Fukushima Prefecture, I can record that the Japanese people are overwhelmingly grateful to Australia and its people for the support and the deep and profound assistance that we have provided to them. Everywhere we went, we were greeted warmly by the Japanese people, who were so grateful to Australia and keen to impress upon us that they are focused on recovery and working very hard to see their lives, businesses and culture rebuilt in these areas. Australia contributed a 72-person urban search and rescue team, a $10-million donation and the use of C17 aircraft for relief operation—Australia and the United States being the only two nations allowed to do this. There have been so many individual and business donations by Australians that they cannot be recorded here—money, in-kind goods, all of which is deeply appreciated in Japan today.

Yesterday, I had the opportunity to attend the Japanese embassy where His Excellency Mr Shigekazu Sato hosted a ceremony and we marked a minute silence for those who had passed away. It was a moving event well attended by embassies, people from around the world and members of this House.

The thing that impressed us so much about our tour of Fukushima and Miyagi Province was the fact that there was so much resilience and inspiration in the recovery that is going on there. In spite of the serious challenges in terms of the future energy generation and the future of how to rebuild places that have been completely wiped out, the resilience and improvisation of people, families and businesses in the face of adversity is a wonderful thing.
that we encountered. The quick recovery of key industries for the world, like car parts in areas of Fukushima and Miyagi Province, was amazing. The ability of businesses to improvise without the adequate supply of energy and still produce, and indeed innovate, so that they can meet their quotas and demands is very impressive.

Australia and Japan have been strong trading partners for some 50 years or more and our nations are firm friends. Our relationship is strong and our future together is also strong. From my own visit and the visit of this delegation, I can record for the House that out of the terrible tragedies of 11 March 2011, the people of Miyagi and Fukushima, and of Japan, are working hard to rebuild and planning for a better future. One year on from the triple 11 disasters, today our thoughts and prayers are with the people of Japan, those who lost their lives and the families who lost loved ones.

Mr STEPHEN JONES (Throsby) (10:49): I would like to start by taking the opportunity to renew my condolences to the people of Japan, who are still suffering in the aftermath of this terrible earthquake and tsunami, the one-year anniversary of which we mark today in this debate.

The Australian and Japanese people have a strong bond that goes back many generations. Our governments have long shared a common bond and political, economic, trade and agricultural interests. I felt privileged that as a result of being in Japan during the earthquake and tsunami last year, but for me this bond now has a very personal dimension. I will never forget my experience during what was my first delegation overseas as a member of this place. As many here know, at the time of the great east Japan earthquake in March last year I, along with a number of my other parliamentary colleagues, were a part of a delegation that was caught on a very fast train somewhere between Kyoto and Tokyo, on what was to be the last day of our fact-finding study tour in Japan.

I understand that this was the most powerful earthquake to have ever hit Japan. It was quickly followed by a 10-metre tsunami wave that hit the Tohoku region in the northern part of the Island of Honshu. I say that it was a 10-metre tsunami, but as a result of the geology and geography of some of the river valleys in the northern part of Japan the wave was recorded at over 40 metres in some parts along the coastline. It is a natural phenomenon that we in this country are simply incapable of contemplating. In some parts of the region the wave dissipated some five kilometres inland.

The toll was horrendous. Over 19,000 people were killed or are missing. Another 6,000 were injured and more than one million buildings were destroyed or damaged. Vital infrastructure was wrecked. People in this country will have burnt into their memories the images of bridges and roads being washed away and the famous Shinkansen trains hanging off bridges as though they were part of the bridges, while other trains were washed away. Many other images have been burnt into our contemporary memory.

The image of the force of the tsunami was terrifying. We saw whole streets and buildings simply being washed away. What we saw of the scale of the devastation in the aftermath of the tsunami was really quite disturbing. In the words of Ambassador Sato in his commemorative ceremony at the Japanese Embassy yesterday, 'Hopes and dreams were washed away on that day.'
One year later we know a few of the stories of those who are still grieving their lost family members, homes, villages, schools and lives. Their loss and devastation is almost unimaginable to us here in this place. It is a terrible aspect of this disaster, which occurred at approximately a quarter to three, during school time. Over 500 school children were killed or lost, including 74 from a school of just 108, almost the entire school population. It is hard to imagine how life would ever feel normal again in a village or town in which nearly all of its children were taken away on one terrible afternoon through one terrible event. We know that hundreds of children will now face a future as orphans, without the love and care of their parents.

The scale and impact of this disaster will resonate for years and decades to come. This time last year we were in Tokyo to build political and cultural bonds between the future leaders of our respective countries. I was pleased yesterday to have the opportunity to once again renew these bonds by attending an event, with many of my parliamentary colleagues from all sides of the House, together with many from the Canberra and Australian communities, to show our mark of respect on the one-year anniversary.

During the visit of 12 months ago we met a number of political, community and business leaders during the five days we were in Tokyo. As I have marked before in this place one of the highlights of the trip was our visit to a place called Kobe. Whilst we were in Kobe, we visited the earthquake memorial, where we had—and it now seems ironic, with hindsight—the experience of going through a re-enactment of the terrible 1996 earthquake. That 1996 earthquake in Kobe killed nearly 6½ thousand people and flattened almost the entire city. We toured the research centre and had the benefit of seeing the work that the people of that town and that country had put into ensuring that their cities were, in the future, earthquake proof.

While we were there in Kobe at the earthquake museum, we were taken through a room that had, graphically displayed on the walls, prints of tidal waves, or tsunamis, that had hit the island over the past 300 years. A number of our colleagues looked up at the third floor of the building to see the 10-metre and 12-metre marks for the earthquake-driven tsunamis that hit the island in the 1700s. Little did we know that, within 24 hours of our visit to the museum, the island of Honshu would again experience the horror of tsunamis of that magnitude. We found it almost impossible to believe what it would be like to see a wave of water bearing down on us that was literally the size of several floors of a large apartment building. That is the height. The tsunami in the case of this disaster was several kilometres deep.

I have already said that, if you wanted to be in any city in the world when an earthquake like this struck, you would probably want to be in Tokyo because it is designed to withstand this sort of disaster and the people know exactly what to do when a disaster like this strikes. I and many of my parliamentary colleagues gained a new-found respect for the people of Japan and the people of Tokyo, who, with a military-like discipline, set about doing exactly what was needed to ensure that a city with a population larger than that of our country could withstand the immediate aftermath of the earthquake and its people could find their way home and then back again to work the next day, all the while taking care of each other and their families—and strangers who were not known to them.

Japan is located at the edge of the Pacific Plate, which moves around nine centimetres a year. It receives somewhere in the vicinity of 20 reasonably sized earthquakes each year. It knows its fair share of adversity, but the one thing that a number of speakers on this matter
have commented on—and I have direct experience of it myself which gives me great hope—is the enormous resilience of the Japanese people. Over the last 12 months, they have started the work of cleaning up after the disaster. Over 22 million tonnes worth of wrecked homes, concrete, steel and other debris is being cleaned up and in many instances recycled to form the new seawalls, the new road bases and the new buildings of a rebuilt northern Japan. It is estimated that it will take over two to three years to clean up the carnage that was left behind after the earthquake and tsunami, but I have great confidence that, as the people of Japan rebuild, they will do it in a way that helps them to withstand disasters of this magnitude in the future.

They are also taking the opportunity, I note, to reconsider their energy security policy. One of the more widely publicised results of this terrible disaster was the impact that it had on the power facility of Fukushima, a city in the north of Japan which provides an enormous amount of power to the Japanese electricity grid. The fate of that power facility is well known. It is also well known, as other speakers on this matter have said, that there is great respect for the efforts of Australian disaster recovery workers in assisting in the clean-up in and around that town and elsewhere in Japan. We were one of a few nations to have the expertise to assist the Japanese people in those areas in that time of need. Japan is renewing and revisiting its energy security policy. As an energy rich country with some expertise in this area, I know that we will work closely with the Japanese people to ensure that as they recalibrate their energy future they have the raw materials that will continue to power their energy system into the future.

There were some lessons for me personally, and you always contemplate after an event and an experience such as this what it all means. For me there were some lessons in what really matters. When you see a community pulling itself back together again and dealing with the tragedy and horror, there are some images that really burned in my mind. It struck home to me when I saw people picking through the ruins of the towns and villages in the immediate aftermath of the tsunami. It was not their mobile phones, their PlayStations, their flat-screen televisions or their cars that they were looking for—it was their loved ones or memories of their loved ones, some memento of the life that had just been washed away that they were looking for. That brings home to each and every one of us to take more care and caution about the things that really do matter, and that is an enduring lesson I have taken away from this. It really does remind us about what matters in our lives.

I conclude by saying that we wish the people of Japan the very best in their efforts to pull their country and their community back together again. I know that we will stand shoulder to shoulder with them in that task. If there are any lessons to be learned from such a terrible disaster, there is the very human lesson in life about what really does matter. I am very pleased to be a part of this debate.

Ms O’DWYER (Higgins) (11:01): I join with my colleagues on both sides of this chamber in also joining the Prime Minister and the Leader of the Opposition in making a statement on the anniversary of the tsunami and nuclear disasters in Japan. Like so many people who have contributed to this debate already, I too feel a very personal connection with Japan. I was very fortunate to have the opportunity to visit Japan when I was very young, at the tender age of 15. I travelled to Japan as my very first experience travelling overseas as a young Australian
citizen and I visited the island of Honshu and the cities of Tokyo, Kyoto, Nara and Osaka. It was there that I got to see the very best of Japanese hospitality.

But like so many people the world's attention was drawn to Japan on the horrific day of 11 March 2011, when I think everybody felt a great affinity for the Japanese people as they dealt with one of the most significant earthquakes to have hit them, at a scale of 9.0, when it struck 125 kilometres off Japan's north-east coast. This led to a devastating tsunami that swept up to 10 kilometres inland, leaving devastation in its wake. It led to more than 20,000 people dying or missing. Villages and towns were wiped out and, as we have already heard, over a million buildings were also destroyed. But it was dealing with the after-shocks that was devastating to so many communities, so many individuals and so many families.

We heard about the explosions at the Fukushima nuclear plant which led to mass evacuations, with more than 350,000 people becoming homeless in that event. But just as we heard the tales of great devastation and great loss we also heard the tales of great heroism and dedication. We heard of the retired engineers of the Fukushima nuclear plant who went back to work to help those younger engineers who were dealing with this disaster, to give them relief and to apply their skills and knowledge to the problem that was then gripping not only the nation of Japan but also the world. We also heard of miracle survival stories and they gave us great heart and great hope. Today, though, I would like to acknowledge the emergency workers, the defence workers and all of the volunteers who worked so tirelessly and so selflessly to try to assist those who needed great assistance. We also today share our grief with the Japanese people. We mourn with them for those loved ones that they have lost.

Australia's response to this disaster was very swift. The government was completely supported by the opposition in sending a 72-person urban search and rescue team and a team of defence operations response officers, in offering the use of C17 aircraft for relief operations, and in donating $10 million to the Australian Red Cross Japan and Pacific Disaster Appeal. In the PM's first visit to the region—I understand she was the first official to officially visit the region post disaster—she announced a program whereby those most affected by the disaster could spend time in Australia. But the people of Australia also responded. The people of Australia opened their hearts and they opened their wallets. Many volunteered their time here in Australia to raise funds and awareness.

After the disaster the Japanese people have stoically set about rebuilding their lives, their homes and their communities. They have also set about rebuilding their very shattered economy. Recently my husband visited Japan and he said that in the very true Japanese way every individual was making a sacrifice as a contribution to the nation. In the very significant summer heat the air-conditioning was turned down incredibly low—in fact it was non-existent in many parts of downtown Tokyo. The typical business casual went to super business casual as all Japanese citizens dealt with the energy crisis gripping the nation.

Yesterday I had the privilege of joining his Excellency Mr Shigekazu Sato the ambassador of Japan to commemorate the great East Japanese earthquake. We then gave our thoughts and prayers to the families and loved ones who were lost, and we do that again today. We know that the Japanese people are a very resilient people; they are a very stoic people. We hope that they do not have to deal with a disaster of such scale and magnitude ever again. We stand with them, we think of them today and always, and we commemorate the great and significant loss of life in the Japanese earthquake and tsunami of 11 March 2011.
Ms RISHWORTH (Kingston) (11:07): I rise today to make a statement in connection with the anniversary of the Japan disaster. We know that this was a horrific disaster. I was in Japan when the earthquake struck. To give you an idea of the magnitude, 700 kilometres away from the epicentre the train that we were riding on felt that earthquake. So I can only imagine the force of the quake and then the resulting tsunami in places a lot closer. As time has gone by we see the absolute devastation, which I do not think we were able to comprehend while we were in the train when we felt the earthquake. It was not until we started seeing some of the pictures come through on television and through the internet that we really got a full understanding. Certainly, when we arrived in Tokyo that evening we had no doubt about the difficulties caused by the destruction that had occurred in the top part of Japan. One thing I noticed that night in Japan is that the Japanese people are very stoic. In a time of crisis and a time of devastation they go about their business ensuring that they are helping one another out. In my condolence speech I recounted that in other places looters have followed earthquakes and destruction—not in Japan. In Japan people were offering bathrooms and places to stay for people who had been stuck in Tokyo and unable to get home. So I have to say that my experience there, while obviously very devastating, did give me some hope that Japan would, with cooperation, be able to rebuild itself.

We now know that in the order of 19,294 people were killed. Around 15,844 have been confirmed dead and the whereabouts of 3,450 is still unknown. This is a devastating number of people to have died. I cannot imagine the toll that that has taken on people's families and on townships that have been destroyed. People have lost so many members of their family and so many friends. It is quite incomprehensible. Whole towns and villages and massive areas were wiped out and many people injured—and there is also the psychosocial impact. Today, no doubt, this is still significant and the Red Cross is certainly working very hard in Japan. The psychological damage from the grief brought about by the destruction of places where you have grown up and known people your whole life is unimaginable. This is a very big disaster to come to grips with and, of course, Japan is still recovering.

I am pleased, though, to read that the reconstruction has started. Soon after the earthquake, the Japanese government went into full swing on the reconstruction and recovery effort. I understand that a lot of the infrastructure has begun to be repaired and I was pleased to also read recently that the Red Cross has reported that evacuation centres are now virtually empty and people have been placed in temporary housing. However, this is only the start. Japan has a very long way to go in rebuilding permanent housing, villages and the damaged areas, and also the economic livelihood of many people. Not only have these people lost their loved ones, their houses and their towns; they have lost their way of life and ability to earn money. In reading some of the statements by the Prime Minister and members of the government, there is a real commitment to help a lot of these people get back on their feet economically, but, of course, it is a very long journey.

The Red Cross is working very hard to rebuild houses, reconstruct these areas and help people re-establish their lives. I was really pleased to read a nice story in the Guardian. Mr Kono is a businessman who runs a soy sauce company, Yagisawa Shoten, which has been in existence for over 200 years. The factory was destroyed by the tsunami. It will reopen its factory in a town just outside its original location. They are getting back on track and have
started to produce some of the Kono products using old recipes that have been passed down for generations. Mr Kono said:

Having our own factory will help us rebuild our brand and our relationship with our customers.

It's a shame we can't reopen on the old site, but the damage there was so serious that it would take years.

It is heartening to see that, while so many people are still struggling to come to terms economically with this disaster, we see rays of hope with people getting on and rebuilding their lives.

The Prime Minister of Japan, Mr Noda, made some short but very moving comments on the anniversary of the disaster. He said:

Our forebears, who led our country to prosperity, stood up with brave resolution in times of crisis.

While offering our support for the daily struggles of those people in the disaster-affected regions, we will join hands as we seek to fulfil our historic mission of the rebirth of Japan through reconstruction.

Like many people in this House, I offer my condolences to Japan and its people, including the volunteers who have helped out and the people who have lost loved ones. I wish them the best as they try to rebuild their shattered lives.

Mr GEORGANAS (Hindmarsh) (11:15): I too rise to pay my solemn respects to the victims and to the survivors of the disasters that were unleashed on the people of Japan on 11 March last year and in the weeks after that. Unlike the two previous speakers, I have not visited Japan, but nevertheless I was very moved by those images we all saw that shocked us. One year after those catastrophic events, we remember the triple disaster of the earthquake, the tsunami and the subsequent nuclear accident in the Fukushima area. It was absolutely tragic and destroyed so many lives and properties.

The earthquake occurred about 400 kilometres north-east of Tokyo, approximately 70 kilometres east of the Oshika Peninsula of Tohoku. At a massive 9.0 on the Richter scale, it was the strongest earthquake recorded in Japan's history. It set off a tsunami that swelled to more than 20 metres in some spots, hitting many coastal areas at seven, eight and nine metres in height and devastating everything in front of it. The wave was felt along almost the entire eastern coastline, but the island of Hokkaido in the north and the main island of Honshu took the tsunami's full force. It was devastating, as we all saw on TV. The wave destroyed tens of thousands of homes, many of which were simply picked up and washed away intact, swept into the sea, from towns across the countryside. Its power and force were relentless and its effect was catastrophic.

A division having been called in the House of Representatives—

Sitting suspended from 11:17 to 12:07

Mr GEORGANAS: Before the bells went, I was talking about the horrific tsunami that devastated tens of thousands of lives, tens of thousands of homes and thousands of other properties and buildings. We all saw the footage of the slow and almost silent wave sprawl over the coast and through towns across the countryside. The disaster claimed more than 15,800 lives and more than 3,000 people remain unaccounted for one year on.

The nuclear accident at Fukushima, rolling out over the days subsequent to the earthquake and the tsunami, was similarly a slow and relentless disaster that played out in full view of the world. Hundreds of thousands of people were displaced. Approximately 325,000 people are
still in temporary housing, including 80,000 people evacuated from the vicinity of the Fukushima nuclear power plant. The other day there were disturbing images on the TV that many would have seen of a woman feeding the homeless animals that have remained behind in that Fukushima area. Dogs, cats and all sorts of other animals are just wandering aimlessly, obviously suffering as well. In the abandoned town of Okuma, only one kilometre from the Fukushima power plant, former residents were permitted into the evacuation area for just a few hours for the ceremonies that were held on the anniversary of this disaster to honour the dead.

Here in Australia we have heard many speeches on this disaster. The Prime Minister and the Leader of the Opposition and we too have paid our respects to those who were lost on that fateful day and to the survivors who mourn their loved ones—their families—and who lost property. We also pay our respects to those who grapple with the aftermath: the clean up, the rebuilding and the restoration of that great country.

Mr JENKINS (Scullin) (12:09): It is a pleasure to be here in the Federation Chamber to add my remarks to these statements on the anniversary of the Japanese disaster, the earthquake, tsunami and nuclear incident at Fukushima. I was lucky enough to visit Tokyo in May of last year, some two months after the incident, on the way to the G20 Speakers Consultation in Seoul. One of the things that I found interesting was that this gave an insight into the way that this had affected the Japanese community. The Japanese community was aware of the continuing aftershocks some two months after the major incident. They were on heightened alert. One of the things we should remember is that this incident knocked their confidence. What they were looking for was people to engage with the Japanese community to bring back that confidence. One of the gestures that was so important and so significant was the Prime Minister's visit so early after the incident. From time to time, we might hear some churlish remarks in the political argy-bargy about the level of leadership that our leaders show on the global stage. The fact that Prime Minister Gillard was the first world leader to visit and go to the affected areas and witness the devastation was well and truly appreciated. That visit was a significant thing.

The other thing I want to take the opportunity to do here is to thank and congratulate those who worked in the Australian mission in Tokyo on our behalf in the post-tsunami period. Their work was significant and was acknowledged. Whereas other overseas missions closed down and sent personnel away from Japan, Australia's mission was open for business. That was again significant. Sometimes the importance of these kinds of gestures is overlooked.

I was intrigued that upon arrival and when you entered hotels the major thing you saw was a warning about what to do if there was an earthquake. People were very conscious of appropriate behaviour. And this was, as I said, some two months after the incident. Another thing that struck me—and I am reminded of this by some diary notes I took at the time—was what happened when I met members of the Diet and members of the Japanese House of Councillors who had interest in international relationships. They were accepting of the condolences that were offered. But I made a note of something that was said to me—something that struck me—in a general discussion about the incident and about the safety of nuclear power plants by one of the members of the House of Councillors. That member said, 'I'm sorry that we have caused concerns to the people of the world.' This sort of selfless behaviour characterised what we witnessed in the Japanese response to their disaster.
They were very grateful and thankful for the support they received from around the world. It is hard to imagine a toll of 19,000 killed or missing, 6,000 injured and more than a million buildings destroyed. Coming to grips with something of that magnitude is difficult. And then there is the continuing uncertainty as they try to come to grips with the failure of the Fukushima nuclear plant and try to understand what long-term damage might have been done by that incident. These types of incidents make the world a much smaller place. It brings us as members of a global community together. I join the many contributors, including the Prime Minister and the Leader of the Opposition, in yet again expressing sorrow to the Japanese people and our condolences for their losses, but also our admiration for the way in which they have come together and worked with a spirit of defiant stoicism to bring back their lifestyle in those areas. We can also reflect that this has happened at a time when over the last 12 months political activity in Japan has been heightened and has continued, but there is still a sense of that national purpose—and I think that is something that should characterise any political debate in the community. Once again Australia's response was appropriate; it was appreciated. We do not look for the gratitude of a country like Japan but they were very grateful for what we did—we stood shoulder to shoulder with them and that was appropriate. From time to time there are more important things about the way we engage globally.

**BILLS**

**Insurance Contracts Amendment Bill 2011**

*Second Reading*

Debate resumed on the motion:

That this bill be now read a second time.

Mr BUCHHOLZ (Wright) (12:15): The Insurance Contracts Amendment Bill 2011 seeks to change the insurance laws by introducing a standard definition of flood insurance contracts and a key facts sheet that is required to be provided for home building and home contents insurance policies. The coalition will support this bill; however, we have a number of concerns about the final implementation of the measures it introduces.

Following the major floods in 2010 and 2011 in parts of Queensland, New South Wales, Victoria and Western Australia the issue of inadequate flood insurance cover and confusion about what was covered in insurance policies has become predominant. There were seriously damaged households with no or inadequate insurance coverage. Wide variations in the definition of 'flood' between insurance policies and the lack of understanding of what was covered by policies contributed to these gaps in insurance coverage.

My electorate of Wright was enormously devastated by the floods 12 months ago. A policy holder came home after having been evacuated from their town to be standing in their dining room with evidence of up to four feet of water having been through their living room. At least their house was still there. In some cases people's houses were still inundated with water. There was a degree of comfort that came over those people, who had been paying insurance premiums for 20 and 30 years with good intent, as they believed their houses were insured. Can you imagine their despair, after losing their worldly possessions and in many cases losing loved ones, when hydrology reports on the area indicated that their policy did not cover them as the determination was that it was riverine flooding? This bill seeks to address and recalibrate the definition of flooding to a standard definition through all insurance policies.
To give the nation an idea of the degree of flooding and the devastation that was incurred by the people of Wright particularly, I draw on the example of the Steinhart family. Sue relived the story of devastation that she underwent. They have a low-set house; it is about two or three feet off the ground, like a typical housing commission home. It goes down the back steps onto a concrete pad, which is their laundry. She was out the back in the laundry and she felt two or three inches of water under her feet, up to her ankles, and because it was not raining she thought that the washing machine had overflowed. She opened the back door to try and let the water out, and the wheelie bins at the back of the door were starting to float away. She grabbed a couple of pumpkins to put on top of the wheelie bins to stop them from floating around. There were three pumpkins and by the time she had picked the last one up, the wheelie bins were gone. By this stage the water was up to her knees. She went up the two steps in fright to find the kids, while trying to assess how quick this water was coming.

The kids were playing in the bedroom. She got the kids out the window up onto the carport skillion on the side of the house. By this stage the water was up to her hips. Her husband was in the other bedroom trying to smash the window open, panicking. He got the window out and got the last kid up onto the skillion. By the time the family had evacuated onto the skillion the water was lapping onto the skillion roof and they scrambled to get onto the main roof—the apex of the house. They got onto the apex. I said to her, 'How long did all that take to evolve?' She said, 'As long as it took me to tell you this story.' That is how quickly the water came. My heart goes out to those families in Queensland that were downstream from us. They are experiencing flooding in Victoria at the moment. I understand the mass devastation that happens as a result of flooding. In Wright we had very little notice. Subsequently, we suffered an enormous loss of life.

In speaking in support of this bill, if there is a bipartisan message—leave all the politics out of it—that we can share with Australians, and in particular Australians that may not be affected by floods this time, it is this: pick up the phone, spend 40c, invest that time with your insurance company and get some peace of mind. This bill will cover definitions of flooding for new policies. I really want to encourage Australians who have insurance to satisfy this in their minds. Do not leave it until the disaster season; pick up the phone, ring the insurance companies and get some idea as to whether or not they are insured and what the definition of flood means to them.

The Natural Disaster Insurance Review was commissioned on 4 March 2011 in response to this problem. Consultation commenced on 5 April 2011 and review recommendations were received by the government on 30 September 2011 but not released until November. The report contained 47 recommendations providing independent reviews of issues relating to the insurance in light of the natural disasters. Despite having six weeks to consider the recommendations, the government deferred decisions on 39 of the 47 recommendations. In fact, the biggest decision it made was that it was committed to further reviews. It seems to be a common motif of government—why govern when you can have a review, an inquiry, a reference group or some official sounding form of procrastination? It is all or nothing with this government. It is either endless procrastination or knee-jerk reactions. It is either weak-kneed indecision or frantic overreaction. Mining tax—snap decision. Live exports—snap decision. Asylum seekers—months of inaction followed by one knee-jerk reaction after
another. Climate change—'Yes we are, no we're not. Wait for a while. No, definitely not under a government I lead,' and finally 'Yes we are,' again.

Returning to the legislation, this bill makes two changes to insurance contracts law following from the review. It provides for a standard definition of flood insurance contracts and requires that customers are provided with a key facts sheet outlining information about their home and building contents insurance policies. However, this is enabling legislation only. Both the standard definition of 'flood' and the specific contents of the key facts sheet will be made in regulations by changes to the Insurance Contracts Regulations 1985.

The industry supports these changes although they have some concerns about the final version of the regulations. As is often the case with the coalition, we see bills come through the House where the intent of the bill may be there but the devil is in the detail. With this particular bill we share the industry's concerns that we do not have the regulations tabled as yet. However, in general, the changes are seen to be acceptable given the level of confusion and uncertainty that surrounded the issue of insurance coverage in the wake of the 2010-11 floods and the industry supports the purpose of the bill. The coalition will be watching the final regulations closely to ensure that they provide adequate certainty to all parties to insurance contracts. 'Certainty' is the key word here. What annoys the living daylights out of people is not knowing where they stand, particularly if they have just gone through the worst experience possible, which I outlined in my opening comments. The standard definition of flood will mean that every time the word 'flood' appears in an insurance contract it will be taken to mean the definition as outlined in the current regulation across all insurance companies. The legislation also restricts contracts including compound phrases with the word 'flood', such as 'flash flood' or 'incidental flooding'. The legislation does not require that all insurance policies insure against flood.

The coalition has consistently supported efforts to develop a standard definition for 'flood' across the entire country and across every insurance company. After the floods in New South Wales in mid-2007 and in Queensland in 2008, the common definition for flood was put forward as an important change by the industry at that time. The federal Labor government did nothing to progress a common definition for flood after the ACCC scuttled previous attempts to ensure such a definition in 2008. It took the disastrous floods of 2011 for Labor to finally consider this matter again. The coalition supports recommendation 36 of the Natural Disaster Insurance Review that the government introduce a standard definition of flood so as to avoid any consumer confusion surrounding flood coverage within insurance policies.

I also take this opportunity to note the contribution of the Standing Committee on Social Policy and Legal Affairs in its inquiry and the members for Blair, Moreton and Murray, who played a vital role in travelling through the country and receiving evidence in that inquiry. I note their contribution to assisting communities with reference to understanding insurance ramifications. The final report recommends the definition of flood be as proposed within the Reforming flood insurance: clearing the waters consultation paper:

'Flood' means the covering of normally dry land by water that has escaped or been released from the normal confines of:

(a) any lake, or any river, creek or other natural watercourse, whether or not altered or modified; or
(b) any reservoir, canal or dam.
That is basically an extension of riverine flooding, where it comes up out of a creek bed and which would normally make your flood insurance nonvalid. The example I gave you was about the Steinhardt's, whose house backed onto a creek. Even though a 23-foot wall of water came across the flat, the insurance company took the position that, because the water came down through the creek bed first and came up out of the creek milliseconds before a 23-foot wall of water followed it, it was deemed to be riverine flooding.

It should be noted that, with the present disaster season well underway, the benefits of any standard definition will be deferred until the legislation passes. The bill requires that a key facts sheet be provided, outlining important information in relation to home building and home contracts insurance policies. The key facts sheet is meant to provide consumers with key information to allow them to more easily understand and compare insurance policies. We all know how flippant we can be with insurance policies. They have two to three pages of fine print and 'would you sign on the bottom line and forward, John'. The intent of the key facts sheet is to outline some of the basic principles that your policy should cover. The draft requirements of the key facts sheet has not yet been released. In his second reading speech Minister Shorten stated that the government would release the details in 2012 and that they would be consumer tested before being introduced. Industry does not object to the key facts sheet but there are some concerns about its final form.

While the industry broadly supports the changes in this legislation, some concerns still remain. Specifically, my colleagues and I on the House Standing Committee on Economics take issue with elements of the final report on the bill. Specifically we are unable to agree with paragraphs 2.50 and 2.51 of the report, which outline assurances that the Department of the Treasury was engaged in consultative dialogue with the industry and consumer groups as well as the observation that there were 'no points raised in submissions or at the hearing that the Treasury was not already across or was not taking steps to consider solutions'. The clear evidence from the industry representatives at the hearing was industry's frustration that many issues, as identified in this report, that have been raised with the government over the operation of the Insurance Contracts Amendments Bill remain unresolved, with industry awaiting comprehensive consultation on regulations before obtaining any clarity on the identified issues. We note that, disappointingly, the bill has missed much of the detail craved by industry to bring certainty.

In closing, I would like to offer my sincere and heartfelt concern to those people in parts of Australia whose homes are currently inundated. I pray that there should be no loss of life, because the form of the flooding is not similar to ours, but flash flooding. Our hearts go out to everyone concerned and may God bless them in their recovery.

**Mr STEPHEN JONES** (Throsby) (12:30): A year ago today a terrible tsunami hit the north-east coast of the island of Honshu, Japan. We have spent a good amount of time appropriately this morning debating a motion in tribute to the people of Japan. We expressed our sympathy as a parliament for the suffering that they have undergone and congratulated them on their recovery efforts. In preparation for that debate, I took time to go through some of the reportage of the event, particularly from Japanese newspapers. I came across numerous stories about reports of discoveries of ancient stone markers on hillsides around some of the devastated villages. Those stone markers were like a warning from ancient generations to current generations not to build below that point.
The reason that those markers were placed somewhere halfway up the hillsides, warning future generations never to build below this point, is that in the past people had experienced tsunami damage—the wiping out of villages—and they knew that it was unsafe to build in those zones. They were sending out a clarion call to future generations: beware. Indeed, before the Second World War, residents had been prohibited from building construction in those areas close to the coast that were subject to tsunami disaster, but during the postwar period there was enormous demand, particularly for affordable housing, in those areas and residential construction did proceed.

I find that story a useful segue into the debate that we are having here today about the amendments to the Insurance Contracts Act because, as the member for Wright has rightly indicated in his contribution to the debate, the renewed impetus for amendments to this legislation is the terrible floods that went through Queensland, including in his electorate, and northern New South Wales in late December 2010 and early 2011. It reminds us all that Australia is a flood-prone nation. Anyone watching the TV news in the past week will have seen the terrifying images of streets and buildings half submerged in enormous expanses of brown muddy water. It is unfortunate that these images and the flooding taking place in the states of New South Wales and Victoria, even as we speak today, are not an uncommon lived Australian experience.

Many of our first settlements in this country took place on the banks of our great rivers. Indeed, many country towns owe their existence to being in places where river crossings could be made. The Insurance Contracts Amendment Bill 2011, which is before the House today, was prompted by those terrible events in December 2010 and 2011. Those events remind us, in many respects, that there are many things that we need to do to ensure that we do not see the terrible suffering, the loss of life and the loss of property that we saw as a result of those flood events. Major flood events like that, which followed higher than average rainfall, had a devastating impact on those who lost loved ones and also saw their life's worth of treasured possessions disappear under a torrent of water. What is left behind is a huge task to rebuild lives, property, infrastructure and communities. Some estimates of the total cost of the 2010-11 floods are around the $10 billion mark. According to the Insurance Council of Australia, these floods resulted in nearly 50,000 insurance claims, with insurance payouts expected to be around $2.3 billion. Cyclone Yasi resulted in more than 60,000 claims, adding over $850 million to insurance claims. If you add in the cost of the floods taking place this month, the bill to Commonwealth, state and local governments will be even higher again.

The Insurance Council of Australia says that seven per cent of residential property in Australia is exposed to predictable and repetitive flooding, causing an estimated $400 million to $450 million in damages each and every year. The cost, which cannot always be measured in purely economic terms, is significant. It is also a cost that comes from the spreading of urban development.

This is where I return to the point I made earlier. In part, the bill before the parliament today is a part of the cure but it is not a part of the prevention. State and territory governments have legislation providing for affordable, intelligible third-party car insurance. These are very important, but they are no alternative to programs that are aimed at reducing bad driving. The legislation before the House today is important but it is no alternative to planning and land use policies that ensure we do not build suburbs and houses in places known to be prone to
regular flooding. The challenge for state and local government planning authorities is to ensure that when they are approving new urban development, or revising existing ones, they do not put people in harm's way.

We know that the more our urban centres spread out into our flood plains, the more the risk of flood events for the households within those regions. In my own region, in parts of the Illawarra and the Southern Highlands of NSW, urban development in flood-prone areas is a live and controversial issue. In Throsby, suburbs such as Albion Park and Dapto include low-lying areas that frequently see serious flooding. Despite this, urban development marches on. To give one example, a new development approved at Calderwood, near Albion Park, will see the construction of over 4,500 new homes on what was formerly high-value agricultural land. This land, and the land around it, has been subject to regular flooding and is still subject to regular flooding. Not surprisingly, many locals and the local council have expressed concerns about this development and the cost of ensuring that it is done in a way that mitigates or reduces the threat of floods to the residents who purchase housing and land packages in that area.

The surrounding suburb of Albion Park is largely a dormitory suburb that is poorly served by public transport, so the majority of travel in this area is by private motor vehicle. Access roads in and out of these locals areas, like the Illawarra Highway and West Dapto Road, are regularly flooded and cut off. Only last March extensive flooding meant that many students of Albion Park school were forced to spend the night at their local school when parents could not get through the flooded roads to pick them up. For many who know this region well there is concern about the long-term implications to our region of the changed land use that is entailed in new housing developments.

I simply make the point that the legislation before this House, which deals with the definition of flood and the provisions of flood insurance, will not compensate for the need for credible and thorough land-use planning, particularly for suburbs like those I have just described. This is not to take anything away from the heartfelt words of members, such as the member for Wright, who have expressed the deep concerns in their communities and have reflected upon the anguish that was visited upon them by the 2010-11 floods. I am sure that each and every member in this place shares the concern and sympathy and would like to do everything possible to ensure that those communities get back on their feet. I argue that a part of ensuring that we do everything possible is ensuring that we have a coordinated approach to flood mapping and land use strategies that are about the prevention and not cure.

I turn now to the measures within this bill. I am pleased that the measures within this bill provide some important consumer protections for families and small businesses wanting to ensure that they have the right insurance protection for their homes and businesses. One part of the response that we are dealing with today is how we can ensure that consumers can financially manage the risks to their property from flood damage. The government's proposals are to, firstly, ensure that we have a standard definition of what a flood is for the purpose of insurance policies. As a member of the House of Representatives Standing Committee on Economics I have participated in a recent inquiry into this bill. As part of that inquiry the committee held a roundtable public hearing in early February to consider the proposed measures. The government's proposals for a standard definition and for a fact sheet for consumers were strongly supported by all participants at the hearing.
These standard definition of 'flood', which will be introduced as a result of this bill, describes riverine flooding and reserves the term 'flood' for flooding in this context only. The reason this definition is necessary is that there are a number of sources of inundation of water into properties. The Insurance Council of Australia has identified three broad categories. The first is stormwater or rainfall run-off, commonly referred to as flash flooding, in localised urban areas from high-intensity rainfall. This form of flooding is regularly covered by the current definitions of flooding within insurance contracts. The second is riverine flooding, which is flooding from watercourses or catchments overflowing their banks. Again, this is often covered but not always covered in standard form contracts. The third is flooding as a result of storm surge or the sea level rising. This is rarely if ever covered in any of the standard form insurance contracts. The regulations include the proposed wording of 'flood' to be used in these insurance contracts as follows:

Flood means the covering of normally dry land by water that has escaped or been released from the normal confines of:

A. any lake, or any river, creek or other natural watercourse, whether or not altered or modified; or

B. any reservoir, canal, or dam.

The primary benefit of having a standard definition is so that consumers can better understand their insurance coverage. This will also decrease the number of disputes over insurance claims, which were significant in the wake of the floods in Queensland, New South Wales and Victoria over the last 12 to 18 months. This will be an important administrative cost saving for insurance companies, who will no longer have to allocate resources to contesting uncertain definitions for flood damage and the definitions of flood damage within those insurance contracts. This new definition will apply to home building and home contents, small business and strata title insurance policies. This is a simple and practical measure that will enable consumers to make better informed decisions regarding the extent to which policies provide cover for flood, and what flood cover actually means.

The second important measure contained within the bill involves introducing a one-page fact sheet which will outline key information in relation to home building and home contents policies in an easy to read and consumer friendly layout. This measure will make the purchase of home building and home contents policies simpler for consumers, assisting them to compare policies with a consistent document and facilitate more effective and informed decision making. The detail of these measures, including the actual wording of a standard definition of 'flood' and the content of the key facts sheet, will be contained in the insurance contract regulations and will be released for public consultation. The response from the insurers and particularly from the Insurance Council of Australia has been positive. Given these measures being brought forward in the bill, it will now be important to monitor how the implementation of these will affect consumers taking out insurance in flood prone areas. It is important that people living in flood prone areas are aware of the risk of flooding and have appropriate insurance to cover this risk. The insurance industry already maps and models flood risk when determining insurance premiums, often relying on data from local and state government authorities. I support the call by the Insurance Council of Australia to ensure that we have a standard mechanism for mapping flood and flood risk. I also support the call to ensure that this information is available to all within the community to assist better land use.
planning and better assessment of risks for both insurers and those seeking to cover themselves against the risk of flood.

Nothing within this bill is going to do anything that will alter the climate and climatic risks but it will ensure that when the insurers are taking out a contract they can be sure of what coverage they are actually paying for. I commend the bill to the House.

Mr ENTSCH (Leichhardt—Chief Opposition Whip) (12:45): I rise today to also speak on this bill, the Insurance Contracts Amendment Bill 2011, and to indicate my support for the measures contained within this bill. The bill changes the insurance law to introduce a standard definition of flood contracts. This is something that is long overdue in this area and over many years we have seen despair, I guess, from people who have been subjected to a flood situation only to find that, even though they thought they were covered, they had no insurance cover whatsoever. It was primarily because of the very narrow definition that was used by the insurance companies.

Mr Adams: And your government did nothing about it.

Mr ENTSCH: I was going to get onto that one. Back in 2007 after the New South Wales floods and again in 2008 in Queensland, a common definition for floods was put forward by the coalition as an important change by the industry at that time. What happened then is that the ACCC scuttled those previous attempts to introduce such a definition back in 2008 and my colleague and his government on the other side have done nothing at all to progress a common definition up until now. So it is great to see that we are actually moving forward in this area.

The other area we are looking at is there being a requirement that the insurance companies provide consumers with a key facts sheet outlining key information about their home building and their home contents insurance policies so that they can minimise the risk of misinterpretation, if you like, and people can feel comfortable with what they are paying for and that they are actually going to get in a time of crisis what they think they are paying for.

The Social Policy and Legal Affairs Committee did the inquiry on this. About the end of the time they were doing this report it started to become evident that there were other areas where there were some serious issues of insurance failure within the insurance industry. One of those areas was in strata title. Talking to the chair, Graham Perrett, I explained some of the issues we were facing in northern Australia, that while we were starting to get a bit of a handle on some of these issues with flood, up in my area we did not have flood problems, we had cyclone problems. Nevertheless, the devastation is just as profound and if you find you have no cover then the impact on the householder is just as serious. The problem that we were starting to experience up there was that insurance companies were actually withdrawing from Northern Australia. They were doing so in a most alarming manner in that they were increasing premiums to levels that were well beyond affordability. Of course, people could not afford to renew their policies. More and more insurance companies were refusing to insure. Initially, they denied that they were doing that in the area, but I have a letter here from Lumley Insurance, dated 14 February 2012. The letter is to Ms Schmitzer, who lives in North Cairns. The letter basically said:

With effect from 19th October 2011 Lumley Insurance ceased writing Household and Landlords Insurance in post codes 4737 and above.
That, in effect, is from Sarina north. Unfortunately, this is not an isolated incident. More and more insurance companies have been withdrawing their services in Northern Australia, based not on risk but purely on postcodes. It has become a serious problem up there, whether you are trying to get flood insurance, cyclone insurance or any sort of household insurance.

We were faced with another challenge up there with how insurance companies were charging in the area. For example, the insurance premiums for a block of units valued at $10 million in the Cairns region, over a four-year period up until 2011, went from $11,000 to $12,000 to $23,500 to $92,500. You can imagine the impact that that has on families when they are trying to insure. It is also causing major issues in that units are becoming unsellable. We have many examples here where individuals can no longer live in their units. They cannot sell them because of the inflated insurance prices and the rates are greater than any return that you could get in a 12-month period.

As I said, I spoke to the minister and to Graham Perrett, Chair of the House of Representatives Standing Committee on Social Policy and Legal Affairs. They graciously agreed to extend the hearing of the flood inquiry and to include body corporate insurance. They have had meetings up in Port Douglas, Cairns, Townsville and here in Canberra. The committee has done outstanding work. The report will be tabled later this month. I am confident that we will see in that report some recommendations that will extend over and above what we are seeing here in this bill, which will look at affordability of insurance in Northern Australia and also the availability of it.

At Brooklyn Village, a dozen retired couples or individuals are living in what used to be an old mining village. For some reason known only to the council, they decided in their wisdom that, rather than subdivide the individual houses that were there into normal title, they would zone it as strata title. We have a strata title on individual houses, on lots from 1,000 square metres up to 13 acres. But they are all strata title.

Under the current legislation, as it stands, those people have to insure the entire property for replacement value, including the old community hall that is sitting there and has never been used, the disused swimming pool, the tennis courts and a whole lot of things that are part of the village. We also have 12 families living there that cannot get insurance. Of course, it is a major concern for them. Again, this issue was raised at the inquiry. I am hoping that we can find a way whereby we can get the insurance companies back into these regions.

Other areas have been faced with similar crises in recent times—New Zealand and Japan, with the tsunamis, and, more recently and relevantly, in Thailand, with the floods. They are still recovering from that. The Thai government has now taken an initiative to provide underwriting of insurance companies. They have set up a scheme to allow residential and small to medium businesses to get insurance cover for flood. Up to that point you could not get any sort of insurance in Thailand, which was having a major impact. I understand that after the dreadful tsunami—we commemorated the anniversary only a couple of days ago—the Japanese government is looking at doing a similar thing. New Zealand has already implemented an underwriting policy in relation to earthquakes, providing an opportunity for landholders or property owners to buy affordable insurance to give them the security they need.

I know that in the Northern Territory—it is the only one in Australia—the TIO provides an underwriting facility to ensure insurance prices are affordable. There is no point having
insurance if individuals or families cannot afford the policy. The other problem is that, even if
premiums reduce to a level where they are remotely affordable, companies are putting so
many extra requirements on them in relation to excesses that there is no way claims will
succeed. So in effect policies are of no value at all.

Have a look at the progression or the failure of the industry, particularly in Northern
Australia. I understand similar problems are being faced in the Murray area, and I suspect that
with the flooding now going through New South Wales and Victoria we will see similar
challenges as they recover from the disaster: affordability and insurance contracting or
retracting out of regions continues. When the committee came to Port Douglas, one witness
was Mandy Coxon, who has the Mossman Gorge Bed and Breakfast. She wrote a letter
saying:
I have never written such a letter before nor have I ever felt I had a need to. However, with Cyclone
Yasi we are not entitled to any sort of government rescue package but we run a small B&B. It is very
modest. We were making an income of about $50,000 but because of all the economic problems in the
area that income has reduced to $20,000 a year, but our insurance premium has gone up from $3,000 to
$5,506.

She said that that works out at about 25 per cent of the annual turnover of their small
business. It comes to a point where it is not affordable. I spoke to Mandy only a couple of
weeks ago and she said that the insurance company which had offered her insurance at the
increased price has now said that they are withdrawing their offer. She can no longer get
insurance for her small B&B and it looks as though she is going to have to close her business
down.

We are seeing the same sort of thing in rural residential, where you are finding people on
acreage. If they are not running it as an agribusiness and it is over five acres, most insurance
companies are now refusing point blank to insure properties. So there are a lot of properties
around the area now which are uninsured. One thing we can be sure of is that over time there
will be more cyclones and more floods. The Insurance Contracts Amendment Bill is a very
small step in the right direction of recognising that there need to be significant changes in
interpretation and there has to be a way to ensure competition remains in the market so that
we do not get more of these letters from insurance companies advising that, based purely on
the postcode, that they will no longer consider the insurance risk.

While I commend these initiatives to the parliament, I say that it is only a very small step in
the right direction. I know more recommendations will come out later this month and I
suspect that given the failure of insurance in rural residential and other markets like B&B
there will be further requirements in relation to reform, so that affordable and effective
insurance can give people peace of mind and security, which they need to protect their assets,
so that people do not become homeless with no chance of ever replacing their life savings. I
commend the bill to the House.

Sitting suspended from 13:01 to 16:31

Mr ADAMS (Lyons) (16:31): In 2010-11, there were a significant number of natural
disasters in Australia: Queensland, New South Wales, Victoria and Tasmania all experienced
severe flooding. For two years in a row now we have had extremely wet conditions and a lot
more flooding in Queensland, Victoria and New South Wales. The number of people
adversely affected by these natural disasters as a result of inadequate insurance cover has
highlighted the level of consumer confusion about what is covered in insurance policies, in particular the extent to which policies provide cover for flood and what cover for flood means.

On 5 April 2011, the government released a consultation paper entitled 'Reforming Flood Insurance: Clearing the Waters' in order to engage the community in suggesting improvements to the regulatory framework and other aspects of Australia's insurance market. The paper contained two key proposals designed to improve clarity for consumers in relation to insurance policies and, in particular, the cover provided for various types of flood—namely, a standard definition of flood as well as a key facts sheet, the KFS, to outline the key information in relation to home building and home contents policies.

The Insurance Contracts Amendment Bill 2011 implements those proposals. The main points in this bill cover the standard definition of flood, which, hopefully, will reduce consumers' confusion regarding what is and what is not included in insurance policies and will avoid situations where neighbouring properties affected by the same inundation event receive different claim assessments because the policies covering them, where they exist, use different definitions of flood.

Compliance costs will be incurred by the industry for reassessing and rewriting policies. Industry has also indicated that a standard definition could result in repricing policies or in products being withdrawn, as those policies might provide greater coverage for flood, but at least this will be known to the consumer and they can take action to mitigate the risk. Either way, it will help both the insurance provider and the consumer to be more informed. Of course, this brings in the situation of where we build, planning laws and issues in relation to insurance. The key facts sheet, by outlining key information in a concise form, will provide increased simplicity, consistency and comparability for consumers where they are making decisions regarding the purchase of the HBHC insurance policies. The key facts sheet will also facilitate more effective decision-making through an increased level of familiarity: knowing what to look for and the meaning of certain words and concepts. While the actual wording for 'flood' included in regulations will be subject to consultation, it is expected to be consistent with the wording proposed by the government's consultation paper Reforming flood insurance: Clearing the waters. The proposed wording is that 'flood' means the covering of normally dry land by water that has escaped or been released from normal confines of any lake or any river, creek or other natural watercourse, whether or not altered or modified, or any reservoir, canal or dam. There is still work being done on these words, but I believe this will be the background definition that will be part of the regulations currently being revised.

Insurance providers are required to use a standard definition of the term 'flood' when using the word 'flood' or other parts of speech or grammatical forms of that word, such as flooding, in the prescribed contract, or the notice or other document or information, as provided in those regulations. If the definition or meaning of the word 'flood' or other parts of speech or grammatical form of that word, such as flooding, is different from the definition of the meaning of the word 'flood' provided in the regulations, the prescribed contract will be taken to have the meaning of 'flood' as provided in the regulations.

During the times of the floods in Tasmania in my electorate of Lyons—mainly in early 2011—we had great confusion among the insurance companies, who could not decide what was a flood and what was not. It made it very hard for people to claim anything and even
harder for them to mitigate risk into the future. People just did not know what the circumstances were.

Tasmania did it hard during the debate about public liability insurance as well, as there was a great deal of misinformation floating around at the time. The insurance industry failed on both of those occasions to be on the front foot, looking at what the consumer needs were and meeting their needs. It took a while before something could be done to allow small groups to stage events and be able to afford public liability, but it was a tangled web to get through and it took many community organisations in my electorate a long time to work their way through this—and some were lost in the process.

It is the same with floods and other natural disasters. If people can assess their risk and are able to realise what could happen given a series of circumstances then they can do something, but when they run blind on how insurance companies operate or what meaning certain words have then everybody loses, most of all small clients who can least afford it.

The report of the House of Representatives Standing Committee on Social Policy and Legal Affairs entitled *In the wake of disasters* was timely and covered a lot of the heartbreak that occurred during the 2011 floods, and hopefully will help those people still struggling in the floods this year. Those recent problems and floods have taken a large toll on people and entire communities—there is enormous trauma that comes from significant or total destruction of one's home, its contents, the businesses that people run and the loss of stock or the loss of pets through flooding. On top of this, affected residents have to deal with the disruptions to work, school, social networks, accommodation, health and transport. Trying to sort out insurance on top of all of this and trying to work through the processes you are required to when collecting insurance when there is a lack of information is soul destroying for individuals. I saw that during the floods in January 2011 in Tasmania. We need to go on funding services to assist communities with the practical aspects of rebuilding lives and we need to fund financial and emotional counselling. We must also ensure that insurance cover is seen as a part of the process. It should be possible to start sorting out one's life if there are guidelines that are easy to follow and an understanding of what insurance can cover and what the community can do to help those exposed to uninsurable events. This is not something new, but extreme events are becoming more common in this current climate cycle and people need to be aware of those problems.

I remember some of the problems that occurred in my electorate in the township of Railton in the municipality of Kentish. The river behind one particular house rose. Flood waters came up. That was seen as a flood. The water coming out of the storm water drain on the road side was not seen as a flood. And these waters rushed into the gardens and the houses along that street. Then there was an argument about who was insured and who was not. Different households were with different insurance companies. Sometimes the same insurance assessor was used by different insurance companies. The assessor made the arguments. But the companies made different decisions about what insurance was going to be paid. This confused people and made them very angry. It was very bad for the industry. They need to be on top of that.

Coming back to the issues, sometimes it does not matter how good a plan you use. You can still run into problems. But with the high-tech spatial stuff that we have today you can certainly plan a lot better. This will help municipal planners to decide where we can build as
they will see where river courses are and where the water runs. If we could document all the
history that we already have sitting around, that would give us a great deal of help in being
able to put in place a proper process for urban planning in the future. Some places where we
should not build will show up. If somebody wants to build there and take the risk, then you
could offer them the opportunity to do that. But they would not get insured. As long as
everybody understood that and got it, that would be okay. It is not good calling foul if you
have built somewhere dangerous. And that goes with fires as well. We need to be a lot
smarter about where we let people build and about how we look after fire-prone areas.

Where people build is defined by planning laws. I remember that in my home town of
Longford there was a back creek, which ran into the South Esk. The planning for this town
was defined by the 1929 flood. The 1929 flood was a very large flood in northern Tasmania.
A king tide in the Tamar River came right up to Launceston, flooding all of Invermay, with a
lot of that area inundated and put totally under water. The South Esk backed up right into the
hinterlands and the township of Longford was totally inundated, with the back creek also
catching a lot of rainfall from the mountains. Those flood levels defined where you could
build in that town. It was not until recent years that mitigation through building a flood levy
changed that. Now a new regime is operating. That town has a very fine school, fine clubs and
two chemists and it should have the opportunity to grow and meet people's building needs.
The importance of the insurance industry, which I mentioned earlier, goes back to those days
of liability.

Also, on this occasion I take on board that in crises like those we have seen in New
Zealand and in Japan the insurance industry—which is a very important industry for any
community—would need help to look after those things, but in the normal circumstances that
we have been experiencing in this country those industries should be much more advanced in
where they are going to be into the future. When we start thinking about climate change and
some of the issues that can come out of that, I believe that the industry needs to be on the
front foot, not on the back foot, where it has been for some time. I also believe that improved
spatial technology should allow us to do a lot more in being able to get our municipal
planning into some level where people are not building on flood plains and where we can
overcome many of these problems into the future. I do not say that we can overcome them all,
but we should be able to overcome many.

So I believe this bill is the start of the process. There is much more we can do to allow and
get insurance companies to do their work better and to be proactive but to ensure that there
are fair parameters under which to work, much as we did with the public liability. I believe
that this bill will do that and that it gets us there. It is certainly a bill that gives us a good start
in sorting out some of the basic problems, which included the definitions around flooding. I
support the bill.

Mr EWEN JONES (Herbert) (16:46): I would just like to say to the previous speaker
that, when the creek flooded and it was going into the South Esk, I just hope that the water
quality going through to the Boag's brewery, with waters from the North Esk River, was still
in pristine condition. It is very important. The North and South Esk Rivers are a national
treasure, and Boag's premium is of course one of the great beers of the world.

I rise to speak on the Insurance Contracts Amendment Bill 2011. This bill changes the laws
governing insurance in the wake of the 2010 and 2011 floods throughout parts of Queensland,
New South Wales and Victoria. The coalition does broadly support this bill. We recognise the insurance problems that the natural disasters around the country exposed and created and we will give our support to these measures and help address them. We are, however, concerned with the implementation of the changes being made in the bill.

Specifically, this bill will introduce the standard definition of flooding for insurance contracts. This will address the problem that arose following the season of natural disasters where residents, many having lost everything as a result of flooding, discovered that their insurance did not cover them because different policies defined flooding in different ways. We saw the birth of a new word with 'inundation' when it came through. I had never lived through an inundation. When I was a kid in my home town of Texas, we only ever had floods. This created confusion and lack of understanding for policy holders, but creating a standard definition means there will only be one interpretation for flooding wherever it appears in the insurance contract. This is a measure that the insurance industry and the coalition have repeatedly supported over the last five years following other flooding disasters, and it has taken until now for this government to push this through.

This bill introduces a requirement for insurance policies to come with a key facts sheet. This key facts sheet is supposed to help consumers better understand prospective policies and be able to more easily compare and assess their options. While industry broadly supports this idea and in fact many insurers already provide something similar, we are still weighing the draft requirements of these. In the retail side of the motor vehicle industry, there used to be a thing when a friend of mine had a Ford dealership in Townsville. He said his first dealer arrangement was with Esanda and it said, 'We the undersigned agree that Esanda takes a lien over everything in this lot with the following exceptions,' and it was a two-foolscape-page document which covered the arrangement between him and his finance company. The last one I delivered to him when I was working for Capital Finance was about 400 pages long. That is where we have gone with this. It is not the government's fault, but it is the nature of litigation in this country that we are pushing these things. It is important to note that this bill only provides legislation that will enable these proposed changes to take place. While the coalition agree in principle with these changes, we will be waiting to see the changes in their legislative form to get a better idea of how these measures will be rolled out.

While we in North Queensland may not have experienced the flooding that has taken place in South-East Queensland, New South Wales and Victoria, we did suffer through Cyclone Yasi, one of the worst cyclones to hit the region in close to a century, and surely the biggest storm that this country has ever seen. Since that disaster, Townsville residents have been plagued with insurance problems, from companies pulling out of their North Queensland market to skyrocketing premiums. Townsville residents have been left wondering how they can pay for insurance cost increases on top of the rising cost of living that this government has presided over.

For Townsville, one of the biggest problems has been an increase in strata title insurance. I have had numerous people living in apartment complexes coming to me and complaining about the astronomical increases in body corporate insurance that they have been forced to swallow. Do not forget that the thing about strata title insurance is that with house insurance you can take a punt that you are not going to get a fire and no-one is going to chase you up, but not having strata title insurance is against the law and you are criminally liable under the
strata title act; you must have this strata title insurance. Many of these concerns were heard at
the strata title insurance inquiry that recently visited Townsville for a public hearing, and I
would like to pass on my thanks to the member for Moreton for his proactive actions in
bringing that inquiry to Townsville and Cairns. I would also like to thank both him and the
member for Blair for the way they conducted that inquiry, especially the bits I saw in
Townsville. It was clear to me that they were actively looking for answers, and I hope that
their final report will reflect the sincerity and concern expressed to them by the attendees.

The attendees at the meeting in Townsville were predominantly self-funded retirees and
pensioners. They are the ones who are most affected by these problems, and they are the ones
who can least afford them and have been forced to cop these huge premium increases. We
have asked them to come to a unit building as a cheaper way for them to see out the autumn
of their years. They have to survive on a set income. They cannot cope with premium rises of
nearly 700 per cent. They also risk the reduction of their capital base. If the unit dwelling
becomes unaffordable and there is a market issue with too many properties on the market, the
unit price will drop, making their lives more unsustainable.

Tom and Tina Pietzsch attended the hearing. They are self-funded retirees living in one of
three apartments in a unit complex. The only shared facilities in the complex are a pool area
and a lift. In 20 years the complex has made two claims—a small one after Cyclone Larry in
2006 and a slightly bigger one after Yasi last year. They have seen their premiums triple to
$15,000 in one hit from before Yasi. When this was added to the maintenance and other costs
that the body corporate fee needs to pay for, living in a unit suddenly became unattainable for
Townsville residents.

I spoke to the widow of a friend of mine. She is living in a modest unit in North Ward,
which is a central suburb in Townsville. Her concern was not so much how she could afford
the huge increase in premiums. She does not have the option. She has to be able to afford it.
She has no option. Her only option was to consider which foods she could do without. That
goes into play in things like the health debate. We are talking about older people here, living
in these things, who are going to end up not being able to survive or who will suffer health
deterioration in a hospital. These are the things that people have to go through.

I also spoke to Mick Price, who is a mate of mine, about insurance in Townsville. Mick
lives in a two-level apartment complex on the marina in Townsville. Over just three years, his
body corporate insurance bill has risen some 690 per cent. Over those three years, his body
corporate insurance premiums have risen from $27,000 to $187,000. In anyone's language,
that is simply unsustainable. Part of Mick's problem is that there is simply no flexibility in the
way they insure. They have three buildings which housed the unit dwellings. They have
another building which acts as a garage and a shed for the complex. If they had the option to
not insure the whole but to flexibly insure parts to different degrees, he would be happier. He
would like to see flexibility over what products he could take. Being on the marina, they have
absolutely no need for flood insurance, but they are still getting billed for it. When we have
this problem with insurance costs in North Queensland, we need to be working with the
industry to make these changes that could help bring premiums down. He would countenance
an increase in excess—not to the extent of $250,000 but to, say, $20,000—to help lower that
cost burden. I know that insurer Zurich said that for every dollar they received in premiums
they paid out $1.15. So somewhere along the line someone is taking advantage of the system.
If you increase the excess it will take away those things where people are claiming for fans, blinds and all those silly things that in the normal course of events you would not do.

I spoke also with Melinda Holborn, who lives in a block of townhouses on the banks of the Ross River. They went through Cyclone Yasi without the loss of even a fence paling. Still they saw in one year their insurance premium rise from $14,000 to $81,000. They shopped around and were able to get the price down to just over $50,000, but the pain is immediate and severe. Again Melinda wants to be able to insure with some sort of flexibility. Where she lives they have a tidal riverfront which is protected by two weirs and a dam, yet they are seen as high risk due to being a river frontage property.

I believe in markets. I do not want to see government intervention here. I believe we are seeing a short-term reaction which plays into the world market. I believe that as the financial markets contract worldwide underwriters will leave the market, making funds scarce. To compensate, insurers will have to raise the return on the investment to make it more attractive. Put these things together and you have rising premiums. I believe that the market will make a decision on the viability of the North Queensland body corporate insurance market. I believe that very soon some guy somewhere will be looking for margin and market share. They will look at the North Queensland market and decide that they should be getting some of this market and they will come in at a discounted price. I do not believe that CGU, which is the only company which is currently offering body corporate insurance to larger dwellings, should be vilified for raising premiums. I think they should be thanked for still offering a product. It is the big insurers of Queensland, and in particular Suncorp, who have made their commercial decision to leave North Queensland. They are still taking our car insurance, life insurance and home and contents insurance. They have just left this part of their portfolio. I would like to call on all North Queenslanders to weigh up their insurance and banking decisions with this in mind.

After 2011 proved to be such a horror year of natural disasters in Queensland and other parts of the country, a natural disaster insurance review was commissioned just over 12 months ago. Recommendations were received in September. After six weeks to consider these recommendations we have now seen this government defer 39 of the 47 recommendations that were made. Their biggest decision so far was to commit to further reviews. We have seen detrimental flooding come once again this year and we still have not seen much progress made on the lessons learned from the last lot of flooding. This government needs to get its act together and take decisive action on the review’s full recommendations. The more we continue to delay, the more natural disaster victims we will have who cannot benefit from the lessons of past disasters.

Most people out there say they simply do not understand what is going on. They do not understand why their premium has risen so much. It would help if someone could give them a reason. But the people who come to my office are not making claims. It is not as if they have been making spurious claims. Cyclone Yasi came through Townsville and was basically a category 2.5. It was a big storm and I am not trying to belittle anything. There were lots of trees down but we did not cop anywhere near what Cardwell and Tully did. Those guys are the ones sitting there telling me that they just do not understand. They ask, ‘Why is it that we are copping it in the neck at this very moment?’ No-one can give them an answer. The insurance company says it is reinsurance. Nobody seems to be able to understand what is
going on. We have asked people to move out of their family home into units on a fixed income and it is simply unsustainable. Those are the people we have to worry about because they are the ones who will be the collateral damage.

I support the measures taken in this bill, though it remains to be seen how successful the implementation will be. The natural disasters of the last 18 months have brought about many problems with insurance policies. While it is good to see measures being taken to address concerns associated with flooding, insurance problems are continuing to hurt North Queenslanders. I will be closely watching the government's response to the outcome of the strata title inquiry and doing whatever I can to ensure that this government and the insurance industry are working towards a solution. As I said before, I think the member for Moreton, who is heading this inquiry, has done a fantastic job and has come at this at the right angle. But we want to see what actually happens when the decisions and the recommendations have to be made. Thank you very much for the opportunity to speak on this bill.

**WYATT ROY** (Longman) (17:00): When the floodwaters rose in my electorate in January last year there was an overall sense of fear, uncertainty and panic in my community. The waters came up so quickly that in some circumstances there was very little time for evacuations or preparations. But for all of the fear and all the uncertainty surrounding the floods themselves it was the aftermath that has struck at the hearts of thousands of Queenslanders, including many living in my community. After the waters subsided, unmistakable genuine dread, panic and frustration set in. In the days following the tragic Queensland floods of 2011 my office was inundated with calls from concerned local residents who were unsure whether they were covered by insurance and what they needed to do to find out the truth from their insurance providers, who at the time seemed to be less than forthcoming with the relevant information.

For these people, who had lost all of their worldly possessions, the fear and uncertainty as they waited for judgment on whether they were covered by their insurance was paralysing. In some cases this fear was justified. Many who had thought that they were covered by their insurance simply were not and were instead left to the mercy of the community to come to their assistance. It is for these families that we are here today to debate the Insurance Contracts Amendment Bill 2011.

This bill introduces two measures: a standard definition of 'flood' for insurance contracts and a requirement of insurance providers to provide key facts sheets to consumers taking out home building and contents insurance policies. In January 2011 many individuals were left without insurance coverage when they had mistakenly assumed they would be covered—all of which could be put down to mistaken understandings facilitated by the use of compound, complicated phrases which, without experience in the insurance industry, seemed almost impossible to decipher the true meaning and extent of coverage for flood incidents.

The confusion experienced by people in my community was not an isolated incident. It was not isolated to a particular insurance provider or just to our community. In fact, individuals across the country were confused. The devastating floods that this country faced demonstrated that the existing regulations governing insurance contracts were insufficient and inadequate for the people of this country.

The disturbing and disappointing reality is that the lack of a common definition for 'flood' was first highlighted as an issue back in 2007. Yet it has taken nearly five more years and a
series of devastating floods across the country for those across the chamber to give this issue the importance it deserves and to start to make some progress towards a solution. Even the insurance industry itself, which was pushing for a standard definition, was unable to encourage this Labor government to pursue this issue with the stamina and commitment it deserved. No, this government's resolve wavered at the first hurdle when initial plans to introduce a common definition were scuttled by the ACCC.

Those on the opposite side of the House let this issue lay dormant until they received the resounding wake-up call of the 2011 floods. It was not until the wake-up call of last year's floods, and at the insistence of this side of the House, that this Labor government finally took action on this issue. In March the National Disaster Insurance Review was commissioned and in April consultations began. But, when the review's recommendations were received by the government in September, instead of taking immediate action on the recommendations, the powers that be held back the release of the review until November, thereby preventing any genuine action before the start of another Australian wet season and the floods that we have again seen across this country.

More disappointing still was the government's decision to defer decisions on 39 of the total of 47 recommendations of the report. It would seem that the only tangible, solid action that this government was willing to take was to commit to still further reviews. In marked contrast to those opposite, the coalition has always stood for action and has consistently sought to achieve a standard, universal definition of 'flood' to be utilised by all insurance providers in their contracts. We on this side of the House support the recommendation of the natural disaster insurance review, that the government should introduce a standard definition of 'flood' in order to avoid any consumer confusion surrounding flood coverage within insurance policies. The final report recommends that the definition of 'flood' be:

... the covering of normal dry land by water that has escaped or been released from the normal confines of:

(a) any lake, or any river, creek or other natural watercourse, whether or not altered or modified; or
(b) any reservoir, canal or dam.

We on this side of the House support this standard definition for floods across the entire country and across every insurance company.

After the devastating floods of last year, I held extensive community consultation both online and in person with stakeholders and affected locals in my community. This consultation revealed the desperate need to address the lack of a standard definition of 'flood'. One of the many people from my community that I spoke to told me, and I quote verbatim:

The government needs to look into the wording of what a flood et cetera are in insurance companies as most people are only now finding out what their policy really means to them.

This was one of the many desperate cries for help from my community. Yet another was from a local resident of Mary Street, Caboolture—one of the worst affected local streets during the flood. Despite having been insured with the same company for 26 years and being under the impression that he was covered for flood, this gentleman's insurance claim after the flood was declined. The ambiguity surrounding whether the flood was a flash-flooding event or a riverine-rising event means that he sadly discovered that he would not be covered for the damage to his home. One can only imagine the desperation that this gentleman and his wife felt upon receiving this news. I can only imagine that this surprising and devastating news
would not have been needed to be delivered if this Labor government had been more proactive in making changes to insurance contract laws when concerns were first raised in 2007.

It was the compelling testimonials and broader community feedback that were the motivation for me to make a submission to the commission of inquiry into the Queensland floods. In my response to the commission of inquiry, and based on the extensive feedback that I received from the community during the community consultation that I conducted in my electorate, I recommended that a standard definition of 'flood' be developed by the Insurance Council of Australia and applied by all insurance providers and that policyholders be provided with information about their level of cover in plain English.

My community has experienced firsthand the importance of a single universal definition for the word 'flood' and the confusion experienced due to the many and varied definitions of flood in insurance contracts. The outcome of the confusing jargon so often used in insurance contracts has in some instances shattered the dreams of families who have lost everything only to find that their insurance did not cover their losses. For those who were left without insurance coverage, my local community did an excellent job, and I thank the countless individuals who did a wonderful job in facilitating delivery of emergency goods and assistance to the many families in my region.

This standard universal definition will provide clarity to the many people in my electorate when planning their future insurance. Those residents on Dale Street in Burpengary will have greater certainty when taking out insurance policies. While this may not be a solution to the poor planning decisions that have gone before, the regulation of a standard definition of 'flood', will allow them to make informed choices about whether they take out flood coverage. Sadly, for some in my community these measures have come too late. But unless a standard definition of 'flood' is created and used now, many more will suffer the same fate as those in my community did in January last year.

The second measure that this bill deals with is that of the key facts sheet. It is the intention that this bill will require all insurance companies to provide consumers with a key facts sheet about their policy. This is a commonsense measure that will enable consumers to effectively compare apples with apples when it comes to their insurance and give them every opportunity to make an educated and informed decision regarding their home and contents insurance. In an industry that has been fraught with confusion and ambiguity, evidence of which has been seen in the way the flood related claims have played out over the past 12 months, measures to increase transparency are important, if not essential. Unfortunately, the draft requirements for the key facts sheets have not yet been released. However, the minister has indicated that they will be put through rigorous consumer testing before the final regulations are decided upon. It is absolutely critical that this process of consumer testing be adhered to. The purpose of the key facts sheet is to help consumers to make informed decisions about their insurance products. The ability of the key facts sheets to be an effective tool for informing consumers will depend on the content that is required to be included. If this is not thoroughly tested and vetted to check that it is achieving these goals, this measure will not reach its potential.

It is important that this measure delivers an effective result for the consumer so that we do not see a repeat of what we saw last year. Although I rise to speak in support of this bill today, I have concerns about the implementation of the two measures that this bill seeks to add to
insurance law. It is important to note that this bill will merely enable changes to be made to the Insurance Contracts Regulations. The regulations of these two measures are not controlled by this bill and there is concern both by industry and on this side of the chamber about the uncertainty left by this bill. Until we see the regulations themselves and know how these measures will be enforced under the regulations, it is difficult to assess the adequacy of the measures. It is absolutely imperative that more time is not wasted—that Australians have the benefit of both a standard and a universal definition of flood and the advantage of a key fact sheet from insurance providers in order to enable them to easily compare insurance policies. It is in this vein that I support this bill.

Mr VAN MANEN (Forde) (17:11): I too rise to speak on the Insurance Contracts Amendment Bill 2011. This bill proposes to change insurance law to introduce a standard definition of flood in insurance contracts and a key fact sheet to give people more and easier-to-identify information on their home and building contents policies, and to enable them to compare different policies from different companies.

I think it is worthwhile at this point to look at a bit of the history of this measure. The Insurance Council of Australia originally proposed a standard definition of 'flood' in 2008 following the New South Wales floods of 2007. The initial proposal by the Insurance Council of Australia was subsequently rejected by the Australian Competition and Consumer Commission following concerns raised by various consumer groups. In its statement, the ACCC encouraged the consumer groups and the Insurance Council of Australia to work together on the development of a common definition of flood which would make it easier for consumers to understand what the term means.

Before we get to the actions—or, should I say, lack thereof—of those opposite and this current government, let us look at what our wonderful consumer advocate groups have done. It appears that these consumer advocate groups have failed to follow up on the ACCC's encouragement to work with the Insurance Council of Australia to develop a standard definition of flood for insurance policies. If this is the case, and I have been led to believe by the Insurance Council that it is, then these so-called consumer advocate groups have let down the very consumers whose interests they are supposedly representing or protecting, which has contributed to costing these consumers tens of millions of dollars in the process. Equally, as I just mentioned, the current federal Labor government has done nothing to progress a common definition of flood after the ACCC scuttled the industry attempt to introduce a definition in 2008. It is interesting when you compare the wording of that proposed definition with the proposed standard wording in this bill. There are far more similarities than differences.

It has taken the disastrous floods in Queensland, New South Wales and Victoria and Cyclone Yasi in 2011 to finally get those opposite to act and realise the seriousness of addressing the issue for the victims of flooding. It has become even more relevant in the past week and a half, when we have seen flooding in southern New South Wales and northern Victoria. The government's initial step following these disasters was to commission the Natural Disaster Insurance Review in March 2011. The review recommendations were received by the government in September 2011 but were not released until November 2011, and they contained some 47 recommendations. In a stunning case of déjà vu, we remember the Henry tax review. Despite having six weeks to consider the recommendations, the government has deferred decisions on 39 of the report's 47 recommendations. In fact the
government's biggest decision was to commit to further reviews. I wonder how those who have been flooded are feeling about that.

At least we now have something on the table. But this is only enabling legislation, creating the mechanism by which the regulations can be drawn up by the minister to be inserted into the Insurance Contracts Act. There are some questions as to what the wording of the regulations will be. The question now becomes: when will these regulations be announced to provide consumers and the insurance industry with much-needed certainty? I have been advised by the Insurance Council of Australia that at least five insurers have announced that they have or will be introducing standard flood definitions in their policies, and they are looking to do so in good faith in anticipation of the fact that the regulations, when introduced, will honour the key points outlined in this bill. Once again, this demonstrates the capacity of business to deal with community concerns.

This bill seeks to define the standard definition of flood, along with restricting the use of compound phrases including words such as flash flooding or accidental flooding. I think that is a very good step because there is much confusion about what the definitions in current household contents policies actually say. If I have a look at my policy, I find you need to almost be a lawyer to understand it. I am fortunate that I do not live in an area that is likely to be flooded. If I do get flooded, there will be a lot of people in a lot of trouble. However, the legislation before us today does not require all insurance policies to insure against flooding. People still need to be very mindful of what they are actually getting in their insurance policies, and that is part of the importance of the key facts sheet. The definition proposed is:

"Flood" means the covering of normally dry land by water that has escaped or been released from the normal confines of:

(a) any lake, or any river, creek or other natural watercourse, whether or not altered or modified; or
(b) any reservoir, canal or dam.

Any standard definition will not benefit current flood victims as it will only take effect once this legislation is passed and the regulations have been inserted into the Insurance Contracts Act. As the member for Longman has pointed out, the industry supports this change along with the proposed key facts sheet; however, there are still concerns about the final version of these regulations. The key facts sheet is meant to provide consumers with key information to allow them to more easily understand and compare insurance policies.

In 2012, we saw renewed flooding in Queensland, New South Wales and Victoria. As the minister was quoted saying on the ABC several days ago, already some 8,000 insurance claims totalling around $64 million have been lodged as a result of the latest flooding and, as the minister rightly pointed out, this figure will only increase. As we debate this legislation, there are still towns in Victoria and New South Wales who are affected by flooding and homeowners are still looking to sandbag and protect their properties. But it is not only homeowners; there are many small businesses in these small country towns that are also being affected. These latest natural disasters serve as a reminder of how vulnerable we all are to nature's vagaries. We need to ensure that we do everything that we can to protect ourselves and the community during these times. It is predominantly through the use of insurance in this modern age that we look to do that. That is why it is so important that these changes to the Insurance Contracts Act to provide this standard definition and to require insurers to provide a
key facts sheet are introduced as soon as possible to give everybody certainty about what their level of cover is.

One of the key concerns for me, though, is that this standard definition of flood cover is being introduced after flooding events have occurred. What effect is this going to have on premiums? We have already seen or heard of instances in which there have significant increases in premiums as a result of properties being in flood-affected areas. In a time when people's living costs are going through the roof, these increased premium costs are only going to make it more difficult for people to maintain their policies. That is another reason why these issues should have been dealt with four or five years ago when the problems first arose. If that had been done, potentially the costs of the policies would have been more manageable.

While the floods last year had very little impact on my electorate, I remember the 1974 floods and the devastating effect they had on my community at that time. Two houses in my street were washed away as a result of that flooding. I saw the effect that had on the families involved. I was also involved in cleaning up other houses in the community that had been inundated. As former senior flood forecaster for the Bureau of Meteorology Geoff Heatherwick stated in the Courier Mail yesterday, it is important to remember that these past floods can and will occur again. It is only a question of when.

There are other issues to do with properties being flooded, such as town planning and development decisions. Our councils and state governments have a significant requirement on them to have a look at their policies and processes in this regard.

As my colleagues have stated, the coalition is supportive of these amendments. However we maintain our concern about whether what is outlined in these bills before us will ultimately be reflected in the regulations. Australians want certainty and the government must act now to ensure that the recommendations that have had their implementation delayed or deferred are addressed as soon as possible. There should be more than plenty of motivation in light of recent disasters to warrant a speedy resolution to this matter. The coalition await the final regulations as we want to ensure that they provide the certainty and the clarity that are required so that all parties to insurance contracts have confidence, especially the purchasers of home and contents insurance policies.

Mr CIOBO (Moncrieff) (17:23): I am pleased to rise to speak on the Insurance Contracts Amendment Bill 2011. This is a bill that I had some involvement with in my capacity as deputy chair of the House of Representatives Standing Committee on Economics when the committee undertook a short inquiry into the operation of the bill. The issue is, as we have all heard from many contributors to this debate, a country that is fraught with extremes. Extremes in nature occur on a regular basis. In this past two months alone in my city of the Gold Coast we have seen very significant falls. Flooding occurred only a week ago through large tracts of the Australian countryside. People's lives have been put on hold; people's livelihoods have been put on hold. People's homes have been directly affected and impacted upon by flooding. The issue is what can government do to assist. Following the tragic floods that took place in the summer of 2011, when we saw devastation across so many parts of Australia, in particular in Brisbane, Ipswich, and in parts of Victoria, we know there were many people who thought that they were adequately protected and covered by flood insurance only to, horrifyingly, discover subsequently that they did not have flood cover, or at least not be covered for the incident that occurred to them.
When this bill came before the House of Representatives Standing Committee on Economics, it was a chance to explore in more detail the way the bill would operate to alleviate the concerns that people had and to provide surety and certainty that their insurance would provide them with the benefit of that cover should their home or otherwise be flooded. What quickly came to pass though was that this bill is effectively nothing more than what is known as colloquially referred to as a coathanger bill. It is a bill that pushes through principle only, and it is a bill that does not contain the actual important information—and in fact that will be deferred to being passed in the regulation. So we have a bill that is, for all intents and purposes, next to useless when it comes to providing certainty for people who are wondering whether or not they have got adequate flood cover, and what exactly the word 'flood' means in their insurance policy. This an easy fix. The fact is the government has been sitting on information now for a matter of years about how they should best deal with issue of flood. The fact is that the government could have incorporated a definition of the word 'flood' into this bill and not have deferred the matter to regulation.

What is clear is that industry and stakeholders have been yearning for clarity around this issue in their consolations with government and with Treasury. As part of the roundtable inquiry that the House of Representatives economics committee undertook, there was significant discussion around whether industry was confident that the final version that we will see in the regulation will mirror industry expectations, and provide certainty and clarity of the type that was sought. What is also clear is that concerns were raised as well with the operation of the second element of the bill which deals with the key facts sheet that would need to be issued as a consequence of the passage of this legislation.

In both instances, although we are supportive of the bill insofar as it is a pathway to providing surety and clarity, we are disappointed that this information was not contained in the legislation itself. Given the significant period of time that has elapsed since this whole journey began, it is obvious that there would have been opportunity to incorporate that information into the bill. I note in particular the supplementary remarks made by the member for Higgins, the member for Wright and me with respect to the committee's recommendations that the bill be passed. Although, yes, we certainly were supportive, as Liberal members of the committee, we stated we:

... cannot ... agree with paragraphs 2.50 and 2.51 of the report that outlined assurances that outlined assurances the Department of Treasury was engaged in constructive dialogue with industry and consumer groups; as well as the observation that there were 'no points raised in submissions or at the hearing that the Treasury was not already across or was taking steps to consider solutions'.

The reason we focused explicitly on rebutting those two paragraphs was that that was not clear, it was not plain and it was not apparent. The reality is that a number of comments were made by industry stakeholders that actually ran quite to the contrary. Very clear statements were made that it depended on what was actually contained within regulation and that that would dictate whether industry, and indeed consumers, would be better off. Statements were made, during the inquiry about the definition of flood and the impact of it. The transcript states:

Mr Ciobo: Wasn’t that the entire point of this bill—
to define floods?
Mr Anning: Not the actual definition of flood. That is subject to the discussions under the regulations.
Mr Ciobo: So, we actually have no clarification yet of what the impact of this would be on potentially thousands of people …

Mr Anning: … I guess the point is we are not at the point of having the clarity to even form a view. So if that does not underscore the extent to which there is industry confusion and apprehension about the operation of the regulations of this bill then I do not know how it could be more plainly put. The reality is that all Australians want to have some certainty with respect to flood insurance. In my electorate of Moncrieff, based on the Gold Coast, I have literally hundreds if not thousands of homes that sit on the waterfront. I have so many homes that are placed upon canals, placed upon rivers, and owners that question whether or not there is actually going to be an impact if a flood were to go through. Of course the great flood that people of the Gold Coast still talk about is 1974 flood. People in Brisbane used to talk about the 1974 floods until the 2011 floods. The Gold Coast was spared and had the good grace and good fortune of not having the devastation we saw in Brisbane in 2011. That notwithstanding, people still talk about the 1974 floods and the 1974 flood levels. In this respect, it is obvious that people want definitions and clarity around the word 'flood' because it has direct impact on their coverage.

Take, for example, a home that is situated on a canal. There would be word games played under policies previously where, if as a consequence of rain, there was a flood coupled with a king tide that actually pushed seawater back in the canal estate and caused water to go into the home, whether it was freshwater or salt water would actually determine whether or not your policy was in place — whether or not you have coverage by virtue of the fact that it was seawater or freshwater.

These kinds of examples of hairsplitting ultimately caused the problems that have led to the quest for a common definition of the word 'flood'. In this respect it is clear that we join with the government in wanting this issue to be resolved. But, again, I restate our concern that this was not resolved within the bill and now once again has been deferred to the regulations — something that is still going to take some time to come forward.

The second element of this particular bill deals with the issue of the key facts sheet. The key facts sheet is of itself a good idea. A key facts sheet provides a high-level summary of the information contained within the policy and the operation of policy for the benefit of consumers. It is not, however, a replacement for the policy itself. It is important that not be held out as being the case, because people need to understand that they can look at a key facts sheet to achieve exactly that — the key facts — but not to have a comprehensive understanding.

There are also a number of housekeeping matters that were raised before the House of Representatives Economics Committee inquiry, which Deputy Speaker Leigh would be very familiar with, which dealt with the issue of the operation of the key facts sheet and whether or not the key facts sheet would need to be sent out to consumers for each and every additional alteration to the policy document, or whether it could be, for example, an annual event. Again, there is no clarity around these issues because these issues ultimately are dependent upon the passage of the regulations. For us as an opposition trying to hold this very poor government to account, the fact remains that we are required to now sit idly by and wait for Treasury to undertake its consultation and for that information to be contained within regulations, which would then presumably be subject to a disallowance motion. So for those reasons we think this is particularly poor form the government's part and we think it is not a particularly good
way to provide good governance and certainty to industry, stakeholders and to consumers. I will confine my comments to those. As I said, we do support the passage of the bill, but this could have been a much, much better effort.

**Mrs MIRABELLA** (Indi) (17:33): I rise to support the Insurance Contracts Amendment Bill 2011 and do so with great degree of disappointment and without overwhelming enthusiasm. I think on the whole most of what is contained in the bill is a step in the right direction, but there is such a deficiency of actual substance to it that it will provide little comfort to those people who have suffered during the floods and who want greater clarity.

I also think that the Minister for Financial Services and Superannuation unrealistically raised expectations in the wake of the January 2011 floods. Those who had hoped for real, substantial measures have been badly let down, because of course, as has been said by previous speakers, and most eloquently just before me by the member for Moncrieff, the devil is fundamentally in the detail—in the regulations that will accompany this bill. All of us, not just members of the opposition but those Australians out there who are wanting to know what the government policy is, will have to wait until those regulations come out. People in my electorate do it tough. They are subject to significant natural disasters. In many ways, natural disasters, whether they be fires or floods, are a way of life for so many people in central and north-east Victoria, and something that we have learnt to live with. Where policymakers can come into play is when they can be proactive regarding policy frameworks that make it as easy as possible for people to respond to and prepare for natural disasters.

The main purpose of the bill is obviously to set a standard definition for flood. There is general agreement that it is high time that there was a nationally agreed definition for flood and that that is adopted. We all know that the insurance industry want to minimise risk and maximise return, and the ambiguity regarding a definition for flood has allowed them to pursue their commercial interests, as is to be expected. But this has left customers out in the cold, sometimes in the most atrocious of fashions. Unfortunately, we are yet to see the wording of this standard definition, so you can understand, Mr Deputy Speaker Leigh, why I am not wholeheartedly jumping for joy and embracing this legislation with great enthusiasm because it is crucial that the definition is right. It is one thing to support a well-meaning concept; it is another thing for that well-meaning concept can be incorporated in an accepted and well understood, simple definition.

The second component of the bill is the provision of a fact sheet for policyholders. Again, it is a noble concept and a sensible proposal. But the lack of detail about when the fact sheets will be made available, what they will contain, what they need to contain and whether the language is simple make it difficult to pass judgment until we actually see the regulations. The Natural Disaster Insurance Review put forward some very sensible suggestions—and it did raise the expectations of many people in the electorate. A key recommendation is the mandatory application of flood cover, but with a requirement to provide an opt-out clause. The importance of this recommendation was brought to light this year in my electorate when the RACV made the decision to apply flood cover to all insurance policies without giving customers the ability to opt out. The day the policy renewal invoices were sent out, my office was inundated and the phones ran hot. I am told that there was a 50-metre long queue outside the RACV offices in Wodonga. I spoke to countless customers whose insurance premiums skyrocketed overnight.
Just to appreciate the anxiety that this caused, I will list a couple of examples of the overnight increases in the insurance premiums. Joan from Park Lane in Wangaratta has lived in her house for 15 years. She has seen several floods in her time, none of which have impacted on her property. Yet her insurance premium rose from $540 a year to more than $3,000 a year. That is an increase of more than 550 per cent. Dianne from Martin Place in Wangaratta saw her premium go from $1,188 a year to $9,552 a year. That is an increase of more than 800 per cent. Chris Blake from Mansfield has never seen floods pass through her town before and her house has never been impacted, yet her insurance premium went from $470 to $2,400. That is an increase of 500 per cent. Chris has been looking elsewhere for a new policy, but is finding it increasingly difficult. AAMI quoted her $5,000. Most insurance companies in fact will not even give her a quote at all. This goes beyond just the RACV. I fear these problems will spread unless something is done soon. Giving consumers the choice of insurance by opting out is a very sensible suggestion, so they can decide the level of cover that they can afford and the risks with which they can live. I have had countless examples of consumers—just like the ones I have mentioned, constituents of mine—who have been left high and dry by their insurers. I think it is important to quote these examples, because I have heard some very questionable statistics floating around about how few customers will be impacted by the decisions of companies like the RACV. I would be more than happy to put forward these examples to the minister if they would assist him in progressing his deliberations on the very important issues and recommendations raised in this review.

This particular issue does go deeper. I have also spoken to local insurance brokers, and they have told me that some insurance companies have just left some parts of my electorate altogether. What happens when it comes time to sell a property that cannot be insured for under $10,000 a year or that cannot be insured at all? If this particular practice spreads, we will have a crisis in the housing industry in some parts of this country. Who on earth is going to buy a property that cannot be insured, or that costs more than $10,000 a year to insure?

So this does need urgent attention. I understand the minister is looking at the legal consequences of a proposal to introduce mandatory flood cover with a compulsory opt-out proposal. I look forward to advice on this matter in the near future. It is absolutely critical to many people across the country—in capital cities and in the regions—who are experiencing great anxiety and uncertainty, not only about their insurance cover but also about the value of their primary asset, which is their home. I hope the minister does move quickly, because many of my constituents are being left uninsured in the meantime.

On a final point, the NDIR proposed a national flood overlay map. This is a very important recommendation. One of the problems customers face when their insurance companies tell them they are in a flood zone is that it is very difficult to make a compelling argument in response. Local knowledge and experience does not really carry much weight. Insurance companies are not required to disclose their flood map data, which puts customers in a particularly disadvantageous position if they do not agree that they are in a flood zone. A national flood overlay map would empower customers to appeal, by providing them with nationally consistent, high-quality data. I hope the government gives this due consideration, because it is a sensible proposal.
In summary, I support the bill before the House, but it is only a very small step—and, in many ways, a motherhood step. The substance will be in the regulations and that is where we will assess the details to ensure that they are adequate and live up to their promises.

There is much to be done, and many Australians will be watching very closely to ensure that the minister's rhetoric during the floods of 2011 is backed up with substantial policy responses and real legislation that address the fundamental problems that are crippling many homeowners at the moment.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (17:44): I thank honourable members for their contributions to the debate on the Insurance Contracts Amendment Bill 2011—including the member for Indi for her charming contribution. I note that she was attacking the government for making statements; it puzzles me somewhat why the coalition when they were in power failed to do any of what we are doing, because floods are not new. This government has acted. This bill will implement measures to assist consumers to make effective decisions in relation to their insurance needs through increased clarity and accessibility of information.

Schedule 1 of the bill will amend the Insurance Contracts Act 1984 to provide a standard definition of 'flood' across all home building and home contents insurance policies, and to extend this definition to cover small businesses and strata title bodies corporate. The definition provides a clear and easily understandable meaning for what is commonly known as riverine flooding—the covering of normally dry land with water that has escaped or been released from the normal confines of any lake, river, creek or any other natural water course or alternatively any reservoir, canal or dam. This measure will reduce consumer confusion regarding what is and what is not included in insurance contracts. It will avoid situations in which neighbouring properties affected by the same inundation event received different claims assessments because the flood policies covering them used different definitions of flood.

This measure will also improve the ability of consumers to evaluate potential insurance policies and compare like products with different insurer providers. I have moved amendments to the bill to ensure that the standard definition of 'flood' can operate as intended. The amendments respond to concerns raised by insurers in consultation with the House of Representatives Standing Committee on Economics as outlined by the committee's advisory report on the Insurance Contracts Amendment Bill released on 17 February 2012. I note that the House of Representatives Standing Committee on Economics recommended that the House of Representatives pass this bill. The details of the standard definition of 'flood' will be included in the regulations. Draft regulations were released for consultation late last year and Treasury will be undertaking further consultation in order to ensure that the wording and application of the standard definition is appropriate.

Schedule 2 of the bill will amend the Insurance Contracts Act 1984 to implement a requirement for insurers to provide consumers with a key facts sheet for home building and home contents insurance policies. This measure will make the purchase of home building and home contents policies simpler for consumers by assisting them compare policies with a consistent document and by facilitating more informed decision making.
On 29 February 2012 I released a discussion paper on the key facts sheet, which seeks stakeholder views on the format, content, structure and provision of the key facts sheet. Feedback on the discussion paper will allow the government to develop a prototype key facts sheet, which will be consumer tested. Once consumer testing is finalised, regulations will be made to give effect to the key facts sheet.

Some opposition members, as is their wont, have criticised the government for including elements of the standard definition, including the prescribed contracts to which it will apply and the wording of the definition in regulations. The prescribed contracts to which the standard definition of 'flood' will apply will be contained in regulations. This is consistent with the location of the standard cover regime for standardised contracts and reduces the potential for unintended consequences for both consumers and insurers. This is particularly important given that the standard definition will apply to small business and strata title policies. The wording of the standard definition of 'flood' will also be contained in the regulations. This will ensure that the policy intent of the new standard definition of 'flood' can be achieved in a simple and effective way and will safeguard against the potential for the standard definition of 'flood' to apply inappropriately.

The consultation process that the government has undertaken has been transparent and thorough. In April 2011 the government released a discussion paper that contained the proposed definition. The Natural Disaster Insurance Review considered this issue and in its final report recommended the adoption of the government's preferred definition. The government is now undertaking a final round of consultation on the wording. Both consumer groups and the insurance industry have publicly supported the government's preferred definition, in many cases expressing pleasure that at last a government has acted after 40 or 50 years—far too long.

The details of the key facts sheet for home building and home contents insurance policies will be contained in regulations, which is consistent with other similar one-page disclosure documents, such as the home loan key facts sheet.

In conclusion, this bill delivers on the government's commitment to provide consumers with a better understanding of what is included in insurance policies.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill, by leave, taken as a whole.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (17:49): by leave—I present a supplementary memorandum to the bill. I move government amendments (1) to (6) as circulated:

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

1A  Paragraph 11(10)(a)
   After "37", insert ", 37C".

1B  Paragraph 11(10)(c)
   After "37", insert ", 37C".

FEDERATION CHAMBER
(2) Schedule 1, item 1, page 4 (line 27), omit "The prescribed contract is taken", substitute "The flood provisions of the prescribed contract are taken".

(3) Schedule 1, item 1, page 5 (lines 3 and 4), omit "the prescribed contract is taken", substitute "those provisions are taken".

(4) Schedule 1, item 1, page 5 (lines 7 and 8), omit "the contract", substitute "those provisions".

(5) Schedule 1, item 1, page 5 (after line 15), after subsection 37D(5), insert:

(5A) To avoid doubt, this section does not affect the operation of any provisions of a prescribed contract that are not flood provisions.

(6) Schedule 1, page 5 (after line 30), at the end of the Schedule, add:

2 Subsection 38(3)

After "37", insert ", 37C".

Today I am moving amendments to the bill to ensure that the standard definition of 'flood' can operate as intended. The amendments respond to concerns raised by insurers in consultation with the House of Representatives Standing Committee on Economics, as outlined in the committee's Advisory report on the Insurance Contracts Amendment Bill 2011 released on 17 February 2012. I note that the House Standing Committee on Economics recommended that the House of Representatives pass the bill.

Amendment (1) addresses concerns raised by insurers that they be required to provide information to insured people on their flood cover to satisfy the 'clearly inform' requirement every time a renewal, extension, variation or reinstatement of an insurance policy is made. These amendments will ensure that insurers will have only to provide information to the insured on their flood cover initially or before entering into an insurance policy, or at the first renewal after the amending legislation commences or any variation that changes the extent of flood cover. In addition, amendment (6) will ensure that insurers will not be required to provide information to the insurer to satisfy the 'clearly inform' requirement about whether an interim contract provides flood cover. This is consistent with the treatment that applies to interim contracts in respect of providing information on exclusions and limitations under the Insurance Contracts Act 1984.

Amendments (2) to (5) respond to concerns raised by insurers that the bill may prohibit any limitation on the operation of the standard definition of flood such as exclusions for specific items or high-risk properties such as seawalls, jetties and pontoons, or exclusion for flood damage within the first 72 hours of a policy being issued. The amendments will ensure that insurance policies that provide flood cover do not affect the terms and conditions that would otherwise be applicable to flood cover.

Question agreed to.

Bill, as amended, agreed to.

Ordered that this bill be reported to the House with amendments.

Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
Mr KEENAN (Stirling) (17:52): The idea behind the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 is to bring the classification categories for computer games into line with existing categories used to classify films and other media. Under the Classification (Publications, Films and Computer Games) Act 1995 the different types of classification for computer games are G for general, PG for parental guidance, M for mature, MA15+ for mature accompanied and RC for refused classification. Within the current system, the highest legally available classification category for a computer game is MA15+. Games which are not suitable for a minor to play are currently refused classification. Presently a very small number of videogames are refused classification. Unlike film, videogames do not have an R18+ classification. Games would be in this classification for violence, language, nudity, drug use or adult themes. Although the act has been reviewed several times since 1995, an R18+ classification for computer games has not been added. In order for this classification to be added to the act, all state, territory and federal attorneys-general must unanimously agree to its introduction—this has only recently been agreed upon.

With no R18+, there is evidence that games meant for adults were rated MA15+, making them available to minors and confusing parents who try to do the right thing. We understand that shoeorning has occurred of videogames which might usually be classified R18+ into the MA15+ category. Clearly adult games, we believe, should be restricted to adults. It is more appropriate that they are classified in this new category rather than being shoeorned into the lesser category of MA15+. With this proposed change, parents would have a better idea of what a game is like. Adults would be allowed freedom of choice and children would be prevented from purchasing adult games. Some games which would ordinarily be classified R18+ are being modified and classified within the MA15+ category. With an R18+ classification, these games could be placed in the most appropriate category for them.

Not only does the current classification system fail to allow adults the right to choose; it also falls short on protecting minors from potentially harmful or disturbing content. A huge number of games rated MA18+ in Australia have been rated for 17- or 18-year-olds in similar and like-minded countries such as the US and many of the member states of Europe. On top of that, a mere handful of games have been edited to earn their local rating.

Contrary to some claims, the lack of an R rating for games makes it easy for children to access adult content. Legislating to allow an R18+ category will give consumers clear information, a clearer choice and more confidence in the games they buy for themselves and for their children. On most gaming consoles it is possible to activate parental controls. These controls allow you to set limits on the amount of time and the classifications of games which can be played. Using these controls can assist in enforcing family guidelines on gaming and protect younger gamers from inappropriate material. Some gamers illegally access games which would be classified R18+. It would be better if they were legally available in Australia with the appropriate restrictions, which is something that this bill achieves.

In recent years, the lack of an R18+ rating for video games has seen popular titles, including Fallout 3, and Left 4 Dead 2, refused classification as they are unsuitable to be played by 15-year-olds. It is interesting to note that the average age of Australian computer gamers is 32, with women making up almost half of computer game players. Notably, over 75 per cent of gamers in Australia are over the age of 18. In some cases, publishers of games that
are refused classification choose to produce a censored version for the Australian market. Others simply cut their losses and do not introduce the game into Australia. This is bad for the Australian games market, which is growing strongly and is forecast to grow at a rate of about 10 per cent a year, with forecasts predicting that it will reach $2.5 billion annually by 2015. Those are very significant numbers that show what an important industry computer gaming is becoming for our country.

We recognise the contribution of the game development industry to the Australian economy and we also note that more than 88 per cent of Australian households own a device for playing computer games. Australia has 25 major game development studios which export over $120 million worth of product a year. Australia is the only Western country that does not have an R18+ classification for games. The United Kingdom, the USA, New Zealand and all of the member countries of the EU have adult classifications for computer games. There is a risk that, if this issue cannot be resolved, Australian gaming companies will be adrift in what is now a $70 billion worldwide industry and Australian games players, the backbone of the future games production industry, will either be cut out of the leading edge of the creative industries professions or forced to break customs laws in order to access the games they want to play which, as I have just noted, others around the world have ready access to.

I want to highlight a couple of real-life inconsistencies from the current classification regime with three games that are available in Australia at the MA15+ level yet are restricted to adults in other like-minded countries. The game called Fallout 3 was initially refused classification by the Classification Board for realistic depictions of drug use. After some minor edits, it is now available to children aged 15 and over in Australia while like-minded countries restrict the game for sale to adults only. Even with these changes, Fallout 3 is still rated for people 18 years of age and above in Britain, New Zealand and across Europe. In the United States it is rated M17+. In Australia, however, this violent and adult game is legally available for children as young as 15 simply because Australia lacks the capability to restrict games to adults only.

Grand Theft Auto IV is the latest in what has been described to me as the infamous Grand Theft Auto series. Publishers Rockstar self-censored the game for Australia, making minor cosmetic edits regarding sex acts and blood splatter. It is now available for sale in Australia to children aged 15 and up, while being restricted for sale to adults only in other like-minded jurisdictions. House of the Dead: Overkill was not refused classification in Australia. It contains excessive violence and a high amount of profanity and is available for children aged 15 and over. Meanwhile, overseas rating agencies have classified this game for adults only.

That is just a few examples of which we are aware where games that probably would have been more appropriately classified as R18+ were shoehorned into the lesser category of M15+. Clearly, once this new category comes in, it will allow adults to access material, as is appropriate and as is their right to do so, whilst making sure that it is not available for people under the age of 18, for whom this material might be inappropriate to view. It should be noted that this bill was sent to the House of Representatives Standing Committee on Social Policy and Legal Affairs for inquiry and the committee recommended that the bill be passed and:

The Committee is satisfied that the evidence demonstrates overwhelming support for an R18+ Restricted classification for computer games. The Committee further notes that the Bill’s aim is not controversial. Rather, it seeks to align the existing classification system for computer games with the system that applies to films.
The coalition endorses and agrees with the findings of that committee.

The passage of this bill will no doubt be welcomed by adult gamers all across Australia. It is my understanding—and I know this for a fact because I have been lobbied extensively since I joined this portfolio—that they have been waiting for this change for some time. The coalition view the change as a sensible measure as an R18+ category currently applies to other forms of entertainment and all this bill does is bring computer games into line with the way we classify films and other materials, and clearly it makes sense to have one uniform regime for all these different forms of media rather than singling out computer games where this classification has not been previously available.

The coalition therefore do not oppose the passage of this bill in the parliament. We welcome the fact that our classification regime will now be a uniform regime classifying all media as one and, importantly, particularly in this case, making sure that computer games with what might be considered to be questionable content for people who can access the MA15+ category but will now be restricted to the R18+ category, as is appropriate. Then the people who are eligible to purchase material within that category can make a decision as adults about what games they purchase and play.

**Dr LEIGH** (Fraser) (18:02): It is important to say at the outset of the discussion of this Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012 that there are many terrific uses of computer games. Many Australians enjoy computer games and although I am not a big gamer myself, my two little boys, Sebastian and Theodore, love getting on the iPad any moment they can. Their favourite game is *Angry Birds*. It is a chance for them to work on their fine motor skills, a little breather for their parents and an opportunity for them to work together as brothers. However, there are many computer games in Australia to which I would not want children exposed and certainly not without their parents' knowledge.

This bill reflects the fact that Australia today is out of step with the international gaming classification systems. As best as I am aware, we are the only country without an R18+ rating for computer games. This bill brings the classification categories for computer games into line with the existing categories that are used to classify films. It makes the Australian classification regime more consistent with international standards. The new R18+ classification will inform consumers, retailers and, most importantly, parents about what games are not suitable for minors. Bond University has conducted research of over 1,200 Australian households on computer game use and attitudes to those games. Ninety-five per cent of Australian homes with children under the age of 18 had a device for playing games. The average Australian gamer is aged 32 and women make up 47 per cent of computer game players. Gone is the day when the only gamers in Australia were teenage boys. PricewaterhouseCoopers has estimated that the Australian gaming industry is worth just under $2 billion. By 2015 this is forecast to reach $2.5 billion and globally the interactive game market is predicted to reach $90 billion by 2015 with an annual growth rate of eight per cent a year. The gaming industry is enjoying Chinese style growth.

Computer games are a big part of modern life in Australian families. As the member for Blaxland noted in his second reading speech, a lot of Australians are pretty passionate about this reform. There has also been research that has examined gaming and its place in Australian families. As I have noted, nearly all families with children under 18 play computer...
Almost half of parents said they play games as a way of spending time with their children. Over 70 per cent of parents used computer games for educational purposes. Most parents talked about computer games with their children. They had a great awareness of and use of parental controls on gaming devices. Sixty per cent of parents said they are always present when games are bought by their children.

There is an important need for the R18+ classification. In 2009 the Attorney-General's Department released a discussion paper on the introduction of the R18+ classification for computer games. That inquiry received more than 58,000 submissions, with 98 per cent of those supporting introduction of an R18+ classification. The R18+ classification provides a system to protect children from material that might be harmful. All parents understand how quickly children pick things up from their environment. A friend of mine told me about her 11-year-old boy who was watching a TV show and he said one of the characters was snorting coke. His mum asked, 'How do you know that?' He replied, 'I know it from Grand Theft Auto.' As a parent I want to be sure that I know what is and what is not suitable for my children, and I know many other Australian parents do too. The introduction of an R18+ classification helps prevent children and teens from accessing unsuitable material while still ensuring that adults are free to make their own decisions about the computer games they play.

Research from the National Institute of Mental Health in the United States has confirmed that a teenager's brain is still different from an adult's brain, still a work in progress. There are great changes going on in the parts of the brain in the frontal lobe responsible for self-control, judgment and emotions. Some of those changes continue appearing in the brain into a person's 20s as the brain develops, laying down foundations for the rest of the young person's life. That is good and bad news. It means we can train the teenage brain but it also means, as Jay Giedd of the National Institute of Mental Health has said, 'You are hardwiring your brain in adolescence. Do you want to hardwire it for sports and doing maths or for lying on the couch in front of TV or a console?'

Perhaps the most positive vision of computer gaming is that set down by Jane McGonigal, a game designer, researcher and author. She argues in a terrific book I read over summer and which I commend to other Australians called Reality is Broken: Why Games Make Us Better—that games can make us better, that games have the capacity to change the world. I did not agree with everything I read in the book. I have been a bit sceptical of computer games and their impact on social connectedness in Australia. But McGonigal makes the most articulate case for the positive role that gaming can play in our society. She proposes a bunch of ways in which games can help us be happier in everyday life, stay better connected with those we care about, feel more rewarded for making our best effort and discover new ways of making a difference in the real world. She gives the example of Lexulous, the online word game on Facebook played between family and friends. It is like Scrabble but with online chat. It is a great excuse for many players to talk to their mum every day. While playing the game there is often chatting taking place. Players might say: 'Your dad says hello,' 'The knee still hurts and I'm putting ice on it,' or 'Have you started your internship yet?'

McGonigal gives the example of the extraordinary: web and mobile phone applications designed to help people contribute to their community. The motto is: 'Got two minutes? Be extraordinary.' Players can browse a list of micro volunteer missions, each mission helping a real-life, non-profit organisation accomplish one of its goals. One mission is designed for
Crystal House, an organisation helping children living in poverty get the education, nutrition, health care and mentorship they so desperately need. It asks players to write a short text message of encouragement or support to students in Mexico, Venezuela, South Africa or India, before they take important tests and exams.

So we should not turn away from the benefits that games and gaming can bring. But, as this bill recognises, at the same time we should not dismiss the risks that unsuitable material can have on children and adolescents. An R18+ classification helps better inform parents of what is not suitable.

Gaming is now a ubiquitous part of modern Australian life. Nine out of 10 Australian households now have a device for playing computer games. I know that many Australian parents share my concerns about making sure their children do not access harmful material.

It is important that the Australian classification system has parity with comparable overseas systems. Games like Call of Duty warn of blood and gore, drug references, intense violence and strong language. In the United States Call of Duty has an M17+ rating but presently only attracts an MA15+ rating in Australia. We need a quick and easy system for classifying the material in computer games. Many parents have told us just that. While the member for Mayo has written about the dead hand of government, the government can also offer a helping hand. It can amend the classification act of 1995 and align the R18+ computer rating with the R18+ film classification rating. It helps inform parents of what games are not suitable for their children as they grow and develop. It ensures that they enjoy the fun and interactive and educational benefits that computer games can and will bring to Australian families.

Mr CIOBO (Moncrieff) (18:12): I am pleased to rise to speak to the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. This has been a long time coming. This particular piece of legislation is in many respects the summit of what has been a concerted effort by gamers and others involved in the digital economy for many years now. If I cast my mind back to about three or so years ago—when I was shadow minister for tourism and the arts—at the time a very concerted effort was being made by a number of people across Australia to see the realisation of this particular bill, which involves the introduction of an R18+ classification.

Coming from the Gold Coast and my electorate of Moncrieff—where there has historically been a very strong computer game development industry in my city—this also provides new opportunities for game developers to explore the full repertoire of games they are able to develop and market. So, in many respects I think this is a positive step forward.

It is not without stating that there is some controversy about this. The separate issue is whether or not that controversy is warranted. That notwithstanding, there is no doubt that there is some controversy around the creation of an R18+ computer game classification. There are many in the community who would ask, 'Why is there a need for an R18+ classification for computer games?' Computer games are played by children and surely there would not seem to be a need for an R18+ classification. Furthermore, I know that many parents have concerns that children are exposed to overly violent computer games and, increasingly, it would appear that there is a blend of both violence and sexual activity in computer games. It is understandable that a number of parents have concerns about this issue. As a parent of a three-year-old boy I can draw linkages as to why those concerns are there. But, as always, what is important is to recognise that you need to be appraised of the facts. The facts in this
matter make it very clear that the introduction of an R18+ classification is a step in the right direction. As speakers in this debate before me have highlighted, there already exists around the world R18 classifications in other Western democracies that have access to computer games, and that these days is virtually everybody. In addition to that, of course, there is also the issue that there already exists an R18+ classification when it comes to certain magazines and with respect to the film and television industry. It already exists in other mediums, so one could logically ask, 'Why wouldn’t it exist with respect to computer games as well?'

I know the argument that is sometimes put is that it has to deal with the degree of immersion—the view that when you play a computer game there is a high degree of emotional immersion in the computer game which could arguably make it more realistic. I have no doubt that there are many psychologists and psychiatrists that have dealt with this issue over a great period of time. What we know, though, is that—with the convergence that is taking place in the digital economy, with the fact that, for example, computer games are no longer simply limited to something that you buy a separate Xbox or PlayStation or Wii or whatever for, it might be that you purchase and use that platform solely for playing games—computer games are now able to be played across a whole range of different platforms. Certainly, yes, there are still dedicated game platforms like the Xbox, Sony PlayStation and Nintendo Wii, but broader than that there is the opportunity today to play computer games on computers, on those dedicated game platforms, online and, in addition to that, on mobile devices.

I was sitting here during the debate looking at my iPhone and noted that you can actually purchase Grand Theft Auto III and play it on your iPhone. There is nothing particularly unique about an iPhone. It is perhaps the most ubiquitous smartphone around. It just underscores the convergence that has happened and the fact that what was historically an exceptionally controversial game is now able to be simply downloaded for $5.99 off the Apple iTunes App Store and in a matter of five or 10 minutes you can play that game on your telephone.

The reality is that we see across the world now the convergence, as I said, with games being available to be played online, on computer, on dedicated gaming platforms, on telephones. In each and every one of these respects there is one thing, though, that has not changed since the beginning of the information technology industry, and that is that, virtually guaranteed, a 14-year-old is going to be better at it than anybody over the age of 30. So, mindful of what should become some kind of new law when it comes to IT, the fact is that 14-year-olds today can play 18+ games even without an R18 classification under the actual legislation that is before the House today. The reason is that it is so ubiquitous now. There are opportunities to download what they refer to as 'patches' off the internet, to purchase a computer game that might be rated MA15+ and download off the internet a patch that enables you effectively to open up those elements of the computer game that have been censored to fall within that classification.

That is effectively how it works currently. It is not a case that game developers develop a computer game for the rest of the world and then develop a different computer game for the Australian market so that they can fall within the MA15+ category rather than being under the R18+ category. What actually happens is that game developers develop a computer game for global release, which of course then has certain scenes edited or censored within the program.
itself so that when it plays that particular scene or sequence of events it does not occur within the Australian context, given that it is a MA15+ classification rather than an R18+ classification. But because that code sits in the computer game it is relatively easy for any slightly savvy person to be able to download the patch off the web, which enables that person then to be able to play the full computer game on their device. That is already occurring. The reality is that anybody who tries to pretend that that is not already taking place is completely ignorant of the reality. So I say to parents that this is in fact a tool that can be used for observing and controlling what your children are exposed to. The creation of an R18+ classification does not in any way, shape or form mean that children are going to be exposed to more violent or more sexual computer games. What it means is that parents will be better informed about what their children are playing. It means that parents will be in a better and stronger position to make a decision about what they want their children to be exposed to. There is absolutely no doubt that many parents—and indeed, I would suggest, based on anecdotal evidence, most parents—are mistakenly of the view that, because their child is playing an MA15+ game, it is in some way less violent or less sexual than an R18+ game. The fact, for the reasons I outlined earlier, is that in all likelihood the child is actually playing the R18+ version of the game but the parents got a false sense of security because it said on the packaging that it was an MA15+ game.

For those reasons, the creation of an R18+ classification means that parents would see, in the store, that that version of the computer game is R18+ and therefore should be confined to adults and adults only. That means it is less likely that Nanna will buy that particular product off the shelf and give it to her little grandson on his 15th birthday. I think it is a step in the right direction because it empowers parents to make good decisions.

We also need to look at this in a broader context. As the shadow minister mentioned, it is no longer the domain of simply 14-year-olds to be playing computer games. The reality is that today a whole host of Australians play computer games, and the average age of computer gamers is 32. I can plead guilty: I play computer games—though not a lot and certainly not as much as I used to. One of my first purchases was in fact Grand Theft Auto, so I have some degree of familiarity with the computer game. In fact, I think I may have been one of the first people to talk about it in this chamber, many years ago. There is a huge market for computer games. It is a bigger industry than the film industry. It is easy when you think about the mathematics behind it to recognise that, while a punter goes to their local cinema and pays $15 to watch a movie, when someone purchases a computer game they normally pay in the vicinity of $80 to $120. It is a bigger industry that grosses more revenue than the film industry. That underscores the size and significance of this industry. Australia has a toehold in this market. Indeed, we could do much better than we do. That notwithstanding, there are many Australians whose livelihoods depend on the creative juices flowing in the development of computer games which they then can sell to a global market. In many respects it presents an opportunity for Australia to really punch above its weight when it comes to the development of these kinds of creative industries.

So, mindful that we live in a free society, mindful that we take the view that adults have the ability to determine what is appropriate for them to play or watch, and mindful that the average age of a computer gamer is 32 and not 14, I think it is in every way, shape and form a
common-sense decision to introduce this classification. For that reason, the coalition is supportive of the bill as well.

The point I will end upon concerns the operation of the R18+ classification, which requires a unanimous agreement between attorneys-general at the state government level. I hope that outcome would occur naturally following the passage of this legislation. I know it is important that people have the chance through an inquiry process to get their concerns on the record, and I and many others have taken into account their concerns. That notwithstanding, though, for all the reasons I outlined I hope that attorneys-general across the states support the creation of this new classification, because it is in Australia's long-term interests as a game-developing country and because we are mindful of the fact that so many Australians play computer games.

Mr HAYES (Fowler) (18:24): I thank the honourable member for his education. I will try and remember some of that or, if not, look at the Hansard. It was only a couple of months ago that I visited a high school in my electorate and we were talking about technology. I was explaining to these students, who I think were in year 11, about how we were taught to use slide rules, and that was greeted with mirth and much consternation. I know the member for Banks would know all about this because he and I went to school together from kindergarten. He was probably far better on the slide rule than I was; he went on to become a lawyer so he must have been. It is interesting from the aspect of my generation that we did talk about slide rules and the application of log tables, but that is just when we are talking about maths. There are so many other things in technology which have far outstripped anything that we could have contemplated when we were at school and at the age which is being targeted by this change in the classification structure for video gaming.

I am very fortunate. I have five grandchildren, and one of my grandchildren, 10-year-old Nathaniel, is absolutely very gifted when it comes to gaming. He is very gifted when it comes to maths as well, but when it comes to gaming he excels. One of the things a dutiful grandfather does is take the grandchildren along and try to encourage them to buy books, and nine times out of 10 it is not the books they want it is the game. I have to say that, for the life of me, I cannot make a value judgement on these things. I take what is there and, when it says 15+, I know for a fact that my grandson Nathaniel at age 10 can fly through games like that. I have heard what other members have said in this debate on what is currently available in the 15+ category but, unless I have the ability to go through and look at those things myself, many of these things would effectively go through to the keeper. I will be out there doing my grandfatherly duty and thinking I am doing the right thing for my grandson, only to find out that it might be a game like the honourable member was referring to that he plays at the age of 35 or whatever on his iPhone.

This is very much a tool for parents, or in my case grandparents. It is not out there to debilitate the user market. The member for Moncrieff was saying that the average gamer is aged 35. I know when the member for Banks and I went to school, the only choice you had about games was rugby league in the winter and cricket in the summer.

Mr Melham: It was marvellous.

Mr HAYES: We were a bit younger then. I understand that things have changed very rapidly and I understand people's use of video based games, particularly online gaming. We see the problem manifest now in respect of online gambling. For instance, we were recently
publicly discussing the issue of poker machines. While that is taking place, simultaneously there is this large and ever-emerging issue of online gambling. As regulators these are things that we need to stay in touch with in such a way that we protect the community and help the community to make value decisions.

My decision to support the bill is not so much to ensure that there is an R18+ rating established for video games to restrict 18-year-olds but to focus on using it as a tool, particularly for parents. When it comes to gaming there is certainly a generational aspect. I have tried to finesse it a little, and the grey hair of the member for Banks and I probably gives the game away a little, but there is very much a generational aspect to the take-up of gaming technology. I see that this would be something that I would value as a grandparent when I am going out to do the right thing to buy my grandson a game. I would very much prefer to buy him a book but I know that that probably is just not going to happen. That is something that I think we do need to focus on. I, like everybody else, have received many representations from people saying that you are asserting the legislators' role and restricting the liberty of people. That is true, but most times when we make a law it does actually restrict a person's liberty. But, in this case, you must say that the community value of that must be assessed. This bill is not trying to deprive the ability of people to access games, but it is certainly making a value judgment on what should be restricted for younger and developing minds.

Videogames are far different from simply going to the movies and seeing something that is R rated. This is a form of technology that invites participation. It invites the person playing the game to be highly interactive with it. It invites the person to perhaps kill off opponents to get to the next level of a game, with increasing levels of violence to meet higher targets or reward rates that are recognised within the gaming community. If that is right, and if some of these games have the level of violence that the previous speakers have indicated—I have to say I have not seen these games—and if it is right that many also transgress into gaming of a sexual nature then these are not things that we want to see in the hands of young and developing minds. It is one thing to witness something as a bystander or watch it sitting in a theatre; it is another thing entirely to be engaged and encouraged to participate and have your mindset set around the participation in an objective or a cause, whether that cause is right or wrong, when the cause is dictated by the game itself.

These are things that are a concern to me and certainly of concern to our party, and no doubt the House as a whole. I have grandchildren, who are very much involved in gaming, one who I have indicated is very gifted in that respect, notwithstanding the fact that he is only 10 years old. I think I would need some guidance if I were going out to look at games for him. I am sure he would probably tell me something different. He would probably want the best of what he could possibly do or the most challenging game he could possibly get. The thing is we do want to have some say in restricting the games that can get into the minds of younger people—games that we would ordinarily think were inappropriate.

I have seen some research material that indicates that, unlike movies, interacting with games has an impact on a person's outlook to violence and desensitises people to violence. I am not sure of the validity of that research. But, in my own mind, I can make a significant distinction between sitting back and passively watching something with an entertainment value and actually rolling up your sleeves, getting involved and becoming part of the game itself—being a perpetrator of violence or anything else. Participating in the game to that
extent takes you from the realm of simply watching characters on a screen to one of participation. As many of us know throughout our electorates, there have been many instances of people who, regrettably, have been arrested in the last couple of years for matters in respect of pornography, particularly child based pornography. The police are doing a fantastic job going about researching and investigating child pornography. One of the things that strikes me absolutely is to what extent those who participate go from a very surreal environment to when they hit the send button and reality comes to mind. When they are sitting back being voyeuristic or whatever, in the comfort of their own place, it is not until they hit the send button when they go out and solicit somebody. If you take the same analogy and put it to gaming, it is where you are sitting back, participating, and you think at that stage, whether it be sexual degradation or violence, 'This is all acceptable and part of the game and I am part of the game.' I would think that should be quarantined to a mature mind, one who can actually make the decision that this is not real, this is a game, and it therefore would not impact the developing minds of the young. They are the reasons I support this bill. I do not ordinarily believe in censorship but in cases of extreme violence, particularly violence of a sexual nature, I honestly believe we should be doing everything humanly possible as a caring community to protect children.

Mrs GRIGGS (Solomon) (18:36): I rise to speak on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. On the weekend I was very surprised when my son said, 'Do you know anything about censorship for computer games?' I said, 'What do you mean?' He said: 'We really want classification. I'm an adult now and I think it is important we have an R rating for some of our computer games.' You could have floored me. My son had been very angry with me when I would not let him play *Grand Theft Auto* because I thought it was too violent, but now he is an adult he endorses our position on having an R rating. The member for Moncrieff was saying that he also plays *Grand Theft Auto*. I cannot make the same confession. The worse thing I do is play Sudoku on my iPad. There are other people who are very passionate about it. I have been contacted by a number of constituents who also endorse the proposed R rating.

Currently the system provides that the highest legally available classification category for computer games is MA15+. The issue my son has is that games that are not acceptable for a person under 15 years are refused classification, meaning that they may not be sold, hired, exhibited, displayed, demonstrated or advertised in Australia. As the member for Moncrieff said, the average age for computer gamers in Australia is 32. Surprisingly, women comprise 47 per cent of computer game players and 75 per cent of gamers in Australia are aged over 18 years. Developments in both games and gaming platforms in recent times ensure that long gone are the days when computer games were just for children. We heard the member for Fowler talking about his grandson and using the slate with his colleagues when they were at school. I did not use slates but I remember the computer when I was at school, but technology has moved on.

Most gaming devices on the market today play DVD films and more broadly can access the internet. With the continuing development of interactive entertainment and its ever-increasing popularity, it makes sense to have gaming classification in line with film and television classifications. Additionally, the rapid development of game graphics and high-definition digital imagery give rise to images far more realistic and explicit than at any time previous.
Games are interactive and in many respects the allure of gaming is a personal matter: some play to engage with other gamers in a battle of wits; others seek to step out of the real world into a world where they have the controls and are able to make the choices; some just like the entertainment and relaxation offered by simply playing a game. Regardless of the motivation, the gaming world is one that is not limited to a window of an hour or two. People can enter and re-enter as often as they want and for whatever period of time they wish. That is vastly different from the limitations associated with watching TV or a film, where you have a limited time and are more restricted.

Without the R18 classification, games meant for adults are currently rated MA15+ thus making them available to minors and confusing parents and carers who try to manage access to such games. Clearly the R18 classification given to films, as an example, relates to the level of violence, language, nudity, drug use and adult themes. This rating provides a clear guideline for adults to make informed decisions. No less for the gaming world—I believe adult games should be restricted to adults. Additionally, introducing an 18+ classification allows parents a better opportunity to assess game content and suitability, allows adults freedom of choice and prevents people under the age of 18 from purchasing adult games.

At present some degree of self-regulation has occurred for the Australian gaming marketplace, where games which would ordinarily be classified R17+ and R18+ in other parts of the world are being modified and classified within the MA15+ category. Unfortunately, in some circumstances adult themes behind the game remain and potentially harmful or disturbing content remains accessible to people under 18. With R18+ classification these games could be placed in a more appropriate category. Australia is the only Western country that does not have an adult R18+ classification for games. The UK, EU member countries, the USA and New Zealand all have adult classifications for computer games.

*Grand Theft Auto IV*, a development of the original *Grand Theft Auto* game—a series of games with a huge player following—is an example of self-censorship by a game developer. This particular game came to the Australian market with the removal of stimulated sex scenes and pools of blood and a reduction in the visible representation of injuries. That is part of the reason why I was not happy for my son, who was under 18, to have access to that game. Resulting from these omissions in the game, it was given an MA15+ classification. The game still includes the ability to murder, blackmail, fight, steal, extort and bribe. The high-impact game also exposes players to mature themes such as prostitution, gambling, drug use and gang violence.

In the United Kingdom the original version of this game was given an 18+ adult rating, in New Zealand it was given 18+ and in the European Union member countries it was given 18+. Yet in Australia the game is and was available to 15-year-olds. Even with the alterations or omissions to the game for the Australian market, this example qualifies why the current classification system needs to be modified. This would give parents, relatives, friends and carers, when purchasing a gift for a person under 18, the ability to review the suitability of games for a child under 18. They must have a mechanism whereby they can evaluate the game content and whether a game has high-impact adult content, content to which a young player should not be exposed. Unfortunately, it is currently too often the case that people purchase games based on the ratings applied to them, and in the case of the MA15+ games they take the classification on face value without considering the themes or content. It would
be my assertion that if Grand Theft Auto IV were a movie and contained the themes present within the Australian version of this game it would most likely be an R18+ film. The issue of R18+ classification is not an issue for controversy for those concerned with the amount of violence children are exposed to. The bill I see is not about opening the doors to more violent and mature games entering into the Australian market. It is about bringing our game classification system into line with much of the world, and providing further capability to assist those people with a responsibility to children to protect those children from obscenities and profanity.

'Appropriateness' is probably the best descriptive term; this bill seeks to achieve appropriateness for classification. Parents must be able to easily identify if a game is appropriate for their child or not. Currently, parental controls exist on modern computer gaming devices so parents and carers can censor games to an extent. Within Australia there are 25 major gaming development studios supporting an industry worth a predicted $2.5 billion annually. This industry has a far reach, and needs the support of a clear and appropriate classification system—one that reflects comparative standards internationally.

This legislation will have an impact on our society but also on the individual gamer. The support for this bill from the gaming community has been overwhelming. As I said, I have been contacted by a number of constituents. The consultation report released in November 2010 reported that 98 per cent of the 58,437 submissions in respect of introducing an R18+ rating were supportive. A Galaxy Research telephone poll reflected that 80 per cent of people contacted supported the introduction of an R18+ classification.

Steve Buic, a member of the Darwin Gamers Association, has been in contact with my office regarding this classification. Those in the gaming community of Darwin want this change. They see the value of an R18+ classification. This bill will give consumers both the freedom and protection they deserve. In conclusion, I echo the words of Steve Buic:

The computer gaming community in the Top End want an R18+ gaming classification. For too long now, the Australian gaming industry has been held back by classification laws. It is pretty clear to us that some games which get classified as MA15+ are too violent for 15 year olds. There needs to be another classification level. Games which are modified to meet Australian standards do not always have the same game content quality. Adult computer games are being censored by the classifications board but the fact is these games are not designed or marketed to fifteen year olds for an MA15+ classification—they're computer games for adults and such should be labelled accordingly. There are games in Australia which 15 year olds can purchase that you have to be 18 to buy in New Zealand or the UK. Computer gaming is a form of entertainment which is very similar to television and film. The fact that the two classification systems are so different highlights the need for a change. I believe an R18+ classification will help parents buy more appropriate games for their children. We need an R18+ classification.

So, being a good member and representing my electorate, I am actually going to support this bill.

Mr BANDT (Melbourne) (18:48): I rise to speak on the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. I am sorry that I cannot join in the debate about slide rules and slates, but, like the member for Solomon, I do remember having the Commodore 64. I do remember that, to play a computer game, you had to sit and wait for a tape player to load a game for about half an hour, and hope that it did not get caught some way through it, so that you could play a game of Aztec Challenge or
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Soccer. The most violent it got then was that a gorilla might throw a barrel at your head while your character was playing, but that was about it. But things have moved on enormously since then. There have been advancements in technology, advancements in innovation and advancements in people's creativity, and that is a good thing. It is extraordinarily to be welcomed. But it is time for the law to catch up.

The Australian Greens will support this bill because it will put in place important protections for minors while ensuring that adults have the right to access the range of computer games that are available on the international market. If there is one area where it is fruitless to try to stand behind and keep the tide back from what is happening globally, it is anything that happens on the internet. But this bill will create greater consistency in our classification system by creating an R18+ category while improving the civil rights of gaming adults and will relieve the burden of the computer-gaming industry.

This important reform has been 10 years in the making. It has involved extensive consultation, as previous speakers have noted. For a long time, reform to the National Classification Scheme along these lines had been blocked by South Australia and New South Wales, which opposed the integration of computer games into the scheme. Now that these objections have been overcome, it is important that this legislation is passed so that states are able to pass complementary legislation enabling the changes to come into force by the beginning of next year.

This bill has widespread community and industry support. In December 2009, the Attorney-General's Department held a consultation on R18+ for computer games and there were 58,437 respondents, with 98 per cent in support. In May last year, a further 2,000 people were surveyed on R18+ to help inform the Standing Committee of Attorneys-General. In July last year, agreement was reached on reform. There have been two inquiries examining this bill. On 29 February, the Standing Committee on Social Policy and Legal Affairs reported on the bill, and the Senate Legal and Constitutional Affairs Legislation Committee is also examining the bill. The Australian Law Reform Commission has also supported the changes proposed in this bill.

As I said at the outset, the Australian Greens support this bill because it will bring greater consistency to the classification system while putting in place important protections. It will mean that parental supervision of computer game use will become more straightforward, with clear demarcation of which material may be appropriate for particular age groups. The bill will also remove a particular consequence caused by the lack of an R18+ classification which meant that some material, which will now be classified R18+, was previously or is currently being allowed at 15 plus. This is a serious problem and it will now be overcome.

Of course, not everyone who plays computer games is young. In fact, gaming is a popular adult pastime, a fact that this legislation reflects. Surveying by the department showed that the average age of gamers is 32 and, despite popular misconceptions, 47 per cent of gamers are women. So this change will be very welcome to the millions of adults who enjoy gaming, and it represents an important improvement in their right to choose.

Industry will also welcome the legislation. Up until now it has been burdened by the significant compliance costs of modifying games to fit with a restrictive classification system. Some estimates suggest that the worldwide value of the video-gaming industry is over $100 billion and growing, so these restrictions were also a barrier to Australia's full participation in
a growing section of the world economy. I know that video game developers in my electorate of Melbourne will welcome this change.

In conclusion, I know that many members have concerns about the negative impact of excessive video game consumption and much of the content, and I understand those concerns. But these reforms will better enable parents to assist their children to adopt positive gaming habits and make informed choices, and they will contribute to a rational, integrated classification system that properly supports the media and entertainment industry.

However, the passage of this bill is not yet the final step, because the implementation of these changes will rely on the revised classification guidelines, which are yet to be released. I want to make clear the commitment on the part of the Australian Greens to work with the industry and with stakeholders such as the Western Australian Commissioner for Children and Young People and the Australian Council on Children and the Media on the guidelines process to ensure that the guidelines get the balance right between the right of gamers to access content and ensuring that the best interests of children are protected. I commend the bill to the House.

Mr MATHESON (Macarthur) (18:54): I rise today to support the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. This bill introduces an R18+ classification into the Australian computer game classification categories. It also allows existing games to be submitted for reclassification once the R18+ classification is included.

The current Australian classification regime under the classification act involves film, magazines and electronic game producers applying to the Classification Board for classification of their products. Applications must include supporting material that will assist the board in deciding the appropriate classification. For example, an applicant seeking a classification for a computer game must include with their written application a copy of the game and a document outlining the details of the game, including a description of the game play experience. Once the application and supporting material have been submitted to the board, the relevant entertainment media is then classified according to the principles and categories detailed in the 2005 National Classification Code and the guidelines for the classification of films and computer games.

The 2005 code sets out the classification tables for publications, films and computer games. Examining these tables reveals that computer games currently do not enjoy the capacity to be awarded an R18+ classification under Australia's entertainment media classification regime. Consequently, computer games that would otherwise fall in an R18+ classification currently face two prospects. Firstly, these games can be refused classification. In that case, they cannot be sold, hired, exhibited, displayed or advertised in Australia. Alternatively, these games can be modified by the producer to comply with the lower criteria of the MA15+ classification. These outcomes have significant implications for consumer choice in the computer games market and the ability to protect Australian children from unsuitable material in that market.

It is a universally recognised economic principle that consumer welfare is enhanced in a market if the consumers have a large degree of choice between products. Indeed, such a principle is supported by Australia's classification regime, with the National Classification Code mandating that classification decisions are to give effect to the principle that adults should be able to read, hear and see what they want. The average age of a contemporary
Australian computer gamer is 32, a person well into their adult years. In fact, 70 per cent of computer game players in Australia are 18 years or older. This market characteristic has been recognised by computer game producers, who are now producing an increasing number of computer games for distribution in Australia that are more suitable to the maturity levels of adult game players. It is therefore curious that Australia remains the only developed nation that does not have an adult rating for computer games.

Computer game producers should not be denied the opportunity to develop games that appeal to the largest consumer group. Nor they should be forced to modify their games so that they comply with the more restrictive MA15+ classification if they wish to distribute their games to adults in the Australian market. This country has always encouraged through appropriate and sensible supply side regulation the development of products by businesses that most effectively meet the demands of their markets. The market for adult computer games should be no exception to this.

On the demand side of the market, adult consumers should not have their choice of computer games restricted by a classification system that does not allow them to access games that would otherwise fall within an R18+ classification. This is as much said in the National Classification Code guiding principle of adult freedom of choice. This bill will address these concerns by allowing those games to be made available to Australia's adult game players under the R18+ classification scheme.

Additionally, the bill will allow games that have been refused classification previously to be resubmitted to the Classification Board for reclassification as R18+ so that they can be made available in Australia's computer game market. By improving consumer choice in this way, the bill will ensure the sustained growth of the Australian gaming industry, an industry that is forecast to grow at a rate of 10 per cent per year.

The second issue that I would like to raise about the absence of an R18+ classification for computer games in Australia is protecting Australia's children from unsuitable material. As I said earlier, games that would otherwise be classified R18+ can be modified by their producers so that they can meet the criteria of an MA15+ classification, therefore making them available to children. This is not a suitable outcome from our country's classification regime. This has been illustrated by a number of games that were initially deemed unsuitable for child game play being made available to Australian children through attaining an MA15+ classification. For example, the game Fallout 3 was initially refused classification by the Australian Classification Board for its realistic depictions of drug use. However, after some minor producer edits, Fallout 3 was able to be classified as MA15+ despite the fact that it was rated as only being suitable for those 18 years and older in Britain, New Zealand and Europe. Again, Grand Theft Auto IV provides a similar example as it too, after some minor cosmetic edits, was able to be distributed to children under the MA15+ classification. Moreover, some games that are classified as being suitable for adults only in other countries are classified as MA15+ in Australia. Again House of the Dead: Overkill is an example of this. It was classified MA15+ in Australia despite the fact that it was classified as R18+ abroad. This bill will overcome this issue by introducing an R18+ classification for such games, thereby preventing their distribution to children.

The bill will also allow games that are already in the Australian market to be submitted for reclassification by the minister or a person who has been aggrieved by the prior classification.
decision. In this way the regime will give effect to the National Classification Code guiding principle that minors should be protected from material likely to harm or disturb them.

When it comes to entertainment media there is a need to ensure that everyone is protected from exposure to unsolicited material that they find offensive. In order for this to occur, people must be made aware of the content of such media before they experience it. This is particularly the case for computer games where consumers are not truly aware of the nature and content of games before they begin playing them. Whilst not being able to totally inform the consumer of the content of a game play experience R18+ will go a long way in enabling consumers to perceive the nature of the game play experience and content when making their purchasing decisions. More importantly, the R18+ classification will allow parents to make informed decisions about the suitability of particular games for their children.

The introduction of an R18+ classification for computer games in our classification regime is well supported. Indeed, when the issue of introducing such a classification was put to public consultation 98 per cent of those involved in that consultation supported introducing an R18+ classification for computer games. Moreover, Galaxy Research's national telephone poll on the issue found that 80 per cent of those people polled supported an R18+ classification. I know that people in my electorate of Macarthur also support the R18+ classification and want uniformity in classification for films, television series and computer games. This will allow them to make an informed decision when purchasing computer games for themselves and their children. That is why I support this bill today, because it is good policy.

Mr MITCHELL (McEwen) (19:02): I am pleased to rise today to speak on the Gillard Labor government's Classification (Publications, Films and Computer Games) Amendment (R18+ Computer Games) Bill 2012. We on this side of the House understand the importance the video game industry has both to Australian gamers and to the Australian economy. We understand that what Australia needs is a framework to allow R18+ rating for video games. This bill will bring computer games into line with the classification system for other media and entertainment industries, making Australia more consistent with international standards. Labor is delivering an R18+ classification which will provide protection against adult material for children, freedom of choice for adult gamers and support for our nation's growing industry of video game developers and retailers.

This is a bill that also strongly supports Australian families and small businesses. The current system of classification for video games falls short and fails to adequately safeguard our children against the adult themes of certain games. This is why we are delivering this important reform. As it stands, the 'MA15+ or nothing' system of restriction means that explicit games are either banned altogether or made available to those under 18. This bill will put an end to that. The bill will mean that games are able to be appropriately marketed to the adult consumers. The bill will ensure that violent games which ought to be labelled R18+ can be sold as such without parents having the fear that adult material has slipped through the cracks into an MA15+ classification based on things like how much blood is seen. Too often we see games which in every other country are exclusively sold to adults classed as acceptable for children at the age of 15. Only last year we saw an Australian made game, L.A. Noire, receive an MA15+ classification, the very lowest classification it received across the world. Across the UK and wider Europe, L.A. Noire received a rating of 18+. The classification board of north America has also limited L.A. Noire to those over the age of 17.
Yet in Australia it was to be either banned or put onto the market with a rating of 15+, despite the use of strong violence, crude language, misogyny, sex and drugs. Perhaps even more notably, the company who created it and designed every facet of the game, restricted access to the game’s website to over 18s and defined it as an adults only game.

The bill seeks to protect our children from the simulated violence, drug use and sexual themes that come about with adult video games. The government is paying attention and we take notice of the dangers that face our community and we act with determination to fight those dangers. The same could not be said always about the opposition. As recently as August 2010, at a community forum the Leader of the Opposition said that he was not even aware there was a debate on the issue, despite it being across media for the last 2½ years. Meanwhile, our government are taking the action. We are delivering this bill to protect Australian children and parents. We take the risk out of buying video games.

This bill will create the new rating, one which can be seen on the box when you buy the game. This rating will allow parents the ability to make informed decisions about what is and is not acceptable for their children to play. Parents know what is acceptable for their children to play and the Gillard Labor government are recognising that sovereignty. We understand that Australian parents know what is good for their kids. We want parents to see instantly, when they pick up a video game at a store, the realistic and meaningful rating a game has rather than return home to find out later that the game they bought was riddled with gruesome violence or drug use. We are delivering a simple, easy to understand new rating which allows parents to make educated choices, delivering a rating that parents already know and understand. They will recognise it the same way they recognise an R rated movie or television show. With this bill Labor are providing parents with the opportunity to better protect their children through increased awareness and a more accurate rating system. We are providing parents with the recognition that they make good choices for their families.

The bill will also provide for adult gamers, which make up 75 per cent of the Australian gaming community. It will give them their own choice. The Gillard government understand that gamers want to be able to make the choice for themselves and this bill will provide the freedom of choice for those over the age of 18. Three out of four gamers are adults. Yet, as it stands, we do not have an adult rating for video games. So we are taking the steps to remove the uncoordinated and ineffective censorship of Australian adults. This is the same freedom that we enjoy every day. We decide which DVDs we buy, which books we read and which movies we see. Now Labor are ensuring that Australians can enjoy the same freedom when it comes to gaming. The average Australian gamer is not 15 or 16 or even 18; they are 32 years of age and that number is increasing. More than ever adults are playing video games. They are people who have spent more than a decade making their own decisions. They can already go to a DVD store and rent a R18+ film. Now, this bill will allow them to exercise that same choice at their local gaming store.

Often, games fail to make the Australian market based on specific qualities of their content. *Fallout 3*, for example, was banned not for its violence but its drug use. Drug use is not something that Australian adults are unaware of. Any adult can go down to their local DVD store and rent movies like *Pulp Fiction*. We can go to a library and rent *Trainspotting*. Similarly, games like *Mortal Kombat* have been banned due to extreme violence—the same violence that we see in many films and novels. As adults, we have been afforded the choice to
watch films like *Scarface*, *Silence of the Lambs* or *The Human Centipede*, or we can read *American Psycho* or *A Clockwork Orange*. Now Labor are bringing the video game industry into line with film and literature. We recognise that if adults can make the choice elsewhere, they can make the choice when buying video games.

Our communities deserve the right to choose, to know that their own judgments are being respected across any medium. I am proud to speak on a bill today that will give Australians that respect. The introduction of an R18+ rating classification for video games will do a lot to better support gamers and parents of young gamers. The bill will also provide a boost to the gaming industry for developers and retailers. For game developers, this bill means no longer needing to censure their content to reach Australian markets. Small developers cannot always afford to go through the editing process, removing small elements such as blood pooling and high-definition graphics just to get their foot in the door. For the benefit of those opposite I will make it very clear. It takes time and it costs money. Editing a game to suit a particular country is simply not done. It is a slow and tedious task and in some cases requires the diminution of the integrity of the developer's work. Altering a game into which you have already put so much hard work for what on a global scale is a very small market is not exactly creating a great incentive. For small Australian developers the burden of the current classification system means that they may never see their hard work come to fruition locally. Companies like Rockstar, which is an Australian company, have produced some of the best quality video games around. But they have the same issue if they have to cut and paste different things and destroy the integrity of their games to get them into our market.

Through protecting our children against violent adult themes do we also protect the developers against the legal ramifications if children act out what they see in the games? By taking the adult content out of the reach of children we are preventing the imitation of violent games, which could often lead to legal action against developers. Game developers should not be victims of a broken classification system. When they create adult games marketed to adults there should not be a fear of litigation when their product ends up in the wrong hands.

The Gillard Labor government is committed to keeping violence, drug use, profane language and sexually explicit content out of the hands of our children. We are committed to protecting Australian businesses against unjust lawsuits as a result of a classification system they have no control over. The game industry is estimated to reach $2.5 billion annually by 2015. It is vital that we support this growing trade in this new economy and that we manage the clunky boundaries that dissuade our developers from keeping their businesses here in Australia. The bill will ensure both local and international game developers are able to get their games on the Australian market so that developers and retailers do not miss out. As the games reach Australian soil we can expect to see a boost to game retailers.

Australian gamers are very loyal to their local businesses. The majority of gamers prefer to buy their games from local retailers. However, as highly celebrated games reach international markets and fail to make the Australian MA15 grade, gamers often lean into video game piracy. Gamers face serious fines for importing games that have not been given a classification in Australia, so more and more are turning to internet piracy to obtain the games they want. Our government realises that piracy can have a serious impact on an industry. For Australian game developers and retailers piracy is a very real threat. Small developers depend on trade to support their businesses.
We have recognised that Australian gamers want to buy locally and we have taken action to ensure they can. Supporting our economy means ensuring small businesses such as these have the safeguards to stay afloat with their own means. Labor is working hard to protect Australian enterprises.

The introduction of R18+ restricted classification for video games is an important step for our country. With the ubiquity of gaming mediums—PCs, consoles and smart phones—we can expect gaming to be a growing source of entertainment for Australians. It is essential that we address the risks posed to Australian children and businesses. It is also desirable that we allow adults the opportunity to lead autonomous lives. On this side of the House we are getting the job done. I am very proud to be part of a government that is delivering vital reform to the classification Act. This is a bill that I know has the support of my nephews Nick, Chris and Michael, who are very passionate about their games and very passionate about seeing an R18+ classification.

Mr HAWKE (Mitchell) (19:13): I rise today to welcome the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012, which is before the House today. This is a long-running matter that has finally come to fruition. I think it will be welcomed by many parents and the gaming industry in Australia today.

In 2008 I had the opportunity to speak in this place calling exactly for what is being delivered in this legislation in relation to an R18+ classification for computer games. At the time I was approached by some local parents who had raised their concerns with me about classification of video games with adult themes, and their inability to distinguish those themes by means of the ratings and classifications. In 2008 we were hopeful that the Standing Committee of Attorneys-General meeting of that year, in March, was going to produce some action. Four years later I am happy to say that the states in our wonderfully constructed federation have finally come to the conclusion that there should be an R18+ category for video games—just a little bit later. However, this is a good development. I am, of course, not one who seeks to impose censorship or regulation on what free-thinking adults can view or think. I made that point in 2008, but in my role as Deputy Chair of the Joint Select Committee on Cyber-Safety we learnt of similar issues in relation to children and the application of many laws and schemes to very young and profoundly young children who are able to access video games and online content. I think this is a welcome development. I agree with the argument that there should be consistency between different forms of media under the act, and I believe this approach to video games is common sense.

However, I do not think that this is any substitute for good parenting or responsibility. Indeed, I would make the point to parents in my electorate and more generally in Australia that it is still very much incumbent on them to take responsibility for the video games their children are viewing and to be aware of their content. Any simple or cursory look through most video games in stores today would be enough, I think, to frighten any responsible parent when it comes to the advanced concepts and violence and other graphic depictions within them. I think it is very important that parents do not take the passing of this legislation as a panacea for understanding what concepts exist in video games. It is still going to be first and primarily the responsibility of the parent to determine what their child should be viewing and whether it is appropriate for them and their families.
There is a good argument here about the industry itself which the member for McEwen pointed out: it will be worth $2.5 billion by 2020. This is a large industry today and is only going to get larger. Indeed, the member for Canberra put me onto a book. I do not often read publications recommended to me by the member for Canberra, but it was quite a good read. It concerned an emerging field of neuroscience—this is why I do not read books recommended to me by the member for Canberra—and studies of the development of young people's brains in relation to their use of gaming and online resources. It is a cutting-edge study and approach. We hear a lot about the bad effects of computers or the bad social effects of gaming, but there are positive effects and experimental areas of the brain are being activated by the use of computer games. There is a lot more for us to understand about the interaction of the computer, the brain, gaming and innovation in other areas that will become apparent over time.

Of course we should do what we can to ensure that we do not hinder the development of gaming in Australia or the ability of people to produce and sell games. I think an R18+ classification is a sensible accommodation given the times and where we are today. Speaking of R18+ classifications and adult concepts, I note the member for Moreton has entered the chamber. He is an expert in adult concepts in publications. I also enjoy his publications—that is two publications from Labor members that I have endorsed in this chamber today!

On a more serious note, Australia has 25 major game development studios, which export over $120 million worth of products a year. That achievement should be recognised in the chamber. It should also be noted that Australia is the only Western country that does not have an R18+ classification for games. For the sceptics out there about rating systems and censorship, consistency across markets to ensure that we are competing internationally is a simple and logical argument for us to follow. The UK, EU member countries, the USA and New Zealand all have adult classifications for computer games, and we know that about 88 per cent of Australian households now own a device for playing computer games and that children are engaging more and more in these activities.

The gaming industry in Australia is maturing. A high proportion of today's gamers are now adults; the studies tell us that the average age is about 32. There is a development of more and more computer game titles suited to an older audience, which we are less concerned with in relation to this bill. But we do need this R18+ category, at least as a minimum, to ensure that with this growing demand and the development of gaming in younger and younger children that adult content and advanced concepts are at least identified such that parents are able to understand them in a simple way, consistent with other forms of classification by the federal government. With all of that I am happy to say regarding my earlier statement on behalf of parents who had approached me in my electorate some years ago that it is being done. It took some time to get the states to do something, which of course is a constant frustration shared I think by every member in this place—getting the states to move on any matter; getting them to agree on something can be more difficult. The bureaucracy of our federation, of course, is something I am keen to see improved in the future. But 3½ years after I first spoke about the need for this to be done, it is being done. I welcome it, it is a good development and I support this bill.

Mr PERRETT (Moreton) (19:20): I too rise to speak for the Classification (Publications, Films and Computer Games) Amendment (R 18+ Computer Games) Bill 2012. As chair of...
the House Standing Committee on Social Policy and Legal Affairs I was pleased to lead the review of this bill. R18+ classification of computer games is an issue that I have received much correspondence about in my electorate, as I am sure most MPs have. It is certainly an issue that was raised quite regularly at my local mobile offices.

The Social Policy and Legal Affairs Committee recommended unanimously that this bill pass the House without amendment. We could have called for submissions and held a time-consuming public consultation process but, as the member for Mitchell indicated, this has been a long time coming and the committee noted that there had already been significant consultation. A discussion paper issued by the Attorney-General's Department on the introduction of an R18+ category for computer games received almost 60,000 submissions. Gamers are certainly techno-savvy and know how to communicate. Therefore, the committee did not believe it was necessary for us to duplicate this consultation.

The laws relating to how we classify or rate media are important for allowing consumers to make informed choices about what they see and hear and play. They are important for protecting children and young people from viewing material that is inappropriate. The National Classification Scheme classifies films, including videos and DVDs, computer games and some publications. State and territory governments also have classification legislation in place to enforce this scheme.

Computer games in Australia are a big industry, especially in Queensland, where designers have developed world-class games. I saw the Premier of Queensland the other day at a campaign event for the Business Young Guns. She was actually at the Fruit Ninja Kinect game, which has had one million downloads. She and Deputy Premier Andrew Fraser were playing the Fruit Ninja Kinect game. I am reliably informed by sources in the chamber that it is a very good game. It was developed in Brisbane. Fruit Ninja Kinect has had one million downloads. They have also had Jetpack Joyride, which has had 14 million downloads. These people are able to take their technology and higher skills, use the NBN et cetera and take Australian expertise to the world.

In recent years, while there have a few hiccups, the industry has been experiencing massive growth. The video games industry is now twice the size of the Australian box office and 40 per cent larger than the DVD industry. The Interactive Entertainment Association of Australia says that games industry revenue increased 47 per cent during the 2008 calendar year, reaching nearly $2 billion. This is big business. Motion Picture Distributors Association of Australia figures show just a six per cent increase to $946 million, while revenue for movies sold on DVDs and Blu-ray was up five per cent to $1.4 billion. Comparing those increases you can see where things are heading.

So it is a reasonable question to ask why computer games were treated differently under our current classification laws. Often in this place we are faced with competing interests—the interests of farmers versus miners, developers versus environmentalists, scientists versus sceptics, Warringah versus Wentworth. The challenge for the parliament, for every MP, when faced with competing interests is to strike the right balance—the balance that best serves the national interest. This bill does just that when faced with the dilemma about protecting children from unsuitable computer games and ensuring adults are free to make their own decisions about the sort of games they wish to play. I imagine computer games today are a little different to the Space Invaders I used to play on the St George State High School...
Commodore 64. That is why the current classification categories for computer games include G, PG, M, and MA15+ or matured accompanied. When it comes to computer games, I know from talking to people who have worked in that industry that it is very hard to classify games because there are lots of nooks and crannies and grottos in the games where people have in the past tried to bring in material that was not appropriate for the classification. There are people who actually sit around and play these games to work out whether the material is appropriate for the classification. Currently, if the games do not fall into the categories I mentioned they are refused classification and, therefore, their sale is prohibited in Australia but not in other countries. I believe there is something called the internet that lets people access these games.

There is currently no rating that restricts computer games to adults as there is with films classified R18+, so this common-sense bill introduces an R18+ category to the classification system for computer games. It follows at least 10 years of negotiations and consultation and has unanimous agreement now from the Standing Committee of Attorneys-General. There were some long-term hold-outs but now there is national consensus. There is also strong support in the community for this logical reform, especially in my electorate of Moreton. There is no reason why computer game classification should be treated differently from film classification, and many countries already have a similar classification system in place. The R18+ category will ensure consumers, parents and retailers are well informed about the content of a computer game they choose to buy. There will be a clearer understanding about what is suitable for minors to play and it will help prevent children from accessing unsuitable material.

As I said, this bill strikes the right balance. It protects children from material that may be harmful while ensuring that adults have the freedom to make their own choices about the computer games they play, as long as these games remain within the law. I commend the Minister for Justice for introducing this bill.

Debate adjourned.

Federation Chamber adjourned at 19:27
QUESTIONS IN WRITING
Defence: Portfolio Entities
(Question No. 803)

Mr Fletcher asked the Minister for Defence, in writing, on 7 February 2012:
How many departments, agencies, commissions, Government owned corporations or other such bodies have been created within the Minister's portfolio since 24 November 2007 (excluding existing departments that have been re-named or merged into a larger entity), what is the name of each such entity, and how many full-time equivalent employees did each such entity have at the end of 2011.

Mr Stephen Smith: The answer to the honourable member's question is as follows:
Department of Defence has not created any new departments, agencies, commissions, Government owned corporations or other such bodies (departments/agencies) since 24 November 2007.