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SITTING DAYS—2013

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FORTY-THIRD PARLIAMENT
FIRST SESSION—NINTH PERIOD

Governor-General
Her Excellency the Hon. Quentin Bryce AC, CVO

House of Representatives Office holders
Speaker—Ms Anna Elizabeth Burke MP
Deputy Speaker—Hon. Bruce Craig Scott MP
Second Deputy Speaker—Mr Steven Georganas MP

Members of the Speaker’s Panel—Hon. Dick Godfrey Harry Adams MP, Mr Darren Cheeseman MP, Ms Sharon Joy Grierson MP, Ms Jill Griffiths Hall MP, Dr Andrew Keith Leigh MP, Ms Kirsten Fiona Livermore MP, Mr Geoffrey Raymond Lyons MP, Hon. Robert Bruce McClelland 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, Ms Janelle Anne Saffin MP, Mr Michael Stuart Symon 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—Mr Christopher Patrick Hayes MP
Government Whips—Ms Jill Griffiths Hall MP, Mr Robert George Mitchell MP and Mr Graham Douglas Perrett 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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<td>Vasta, Ross Xavier</td>
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<tr>
<td>Zappia, Tony</td>
<td>Makin, SA</td>
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</table>

**PARTY ABBREVIATIONS**

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

### Heads of Parliamentary Departments

Clerk of the Senate—R Laing  
Clerk of the House of Representatives—B Wright  
Secretary, Department of Parliamentary Services—C Mills  
Parliamentary Budget Officer—P Bowen
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<td>The Hon Julia Gillard MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Asian Century Policy</td>
<td>The Hon Dr Craig Emerson MP</td>
</tr>
<tr>
<td><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td><strong>Minister for the Public Service and Integrity</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td><strong>Cabinet Secretary</strong></td>
<td>The Hon Jason Clare MP</td>
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<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
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<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>The Hon Dr Andrew Leigh MP</td>
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<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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</tr>
<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
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<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td><strong>Minister for Broadband, Communications and the Digital Economy</strong></td>
<td>Senator the Hon Stephen Conroy</td>
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<tr>
<td>(Leader of the Government in the Senate)</td>
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<tr>
<td><strong>Minister for Finance and Deregulation</strong></td>
<td>The Hon Mark Dreyfus QC MP</td>
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<tr>
<td>(Deputy Leader of the Government in the Senate)</td>
<td>The Hon David Bradbury MP</td>
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<tr>
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<tr>
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<tr>
<td><strong>Minister for Defence</strong></td>
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<td>The Hon Warren Snowdon MP</td>
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<td>Minister for Defence Materiel</td>
<td>The Hon Dr Mike Kelly AM MP</td>
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<td>Minister for Tourism</td>
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<tr>
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<td>Senator Arthur Sinodinos</td>
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<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
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<td>The Hon Julie Bishop MP</td>
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<tr>
<td>(Deputy Leader of the Opposition)</td>
<td><strong>Shadow Parliamentary Secretary for International Development Assistance</strong></td>
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<tr>
<td>The Hon Teresa Gambaro MP</td>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
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<tr>
<td>(Leader of The Nationals)</td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td><em>Shadow Parliamentary Secretary for Roads and Regional Transport</em></td>
<td>Mr Darren Chester MP</td>
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<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Opposition in the Senate)</td>
<td><strong>Shadow Minister for Employment Participation</strong></td>
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<tr>
<td>Shadow Minister for Employment Participation</td>
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<tr>
<td><strong>Shadow Attorney-General</strong></td>
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<tr>
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<td>Senator Gary Humphries</td>
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<tr>
<td><strong>Shadow Treasurer</strong></td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td><em>Shadow Parliamentary Secretary for Tax Reform</em></td>
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<tr>
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<td><strong>Shadow Parliamentary Secretary for Regional Education</strong></td>
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<tr>
<td><em>Shadow Parliamentary Secretary for Northern and Remote Australia</em></td>
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<tr>
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<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<td>Shadow Parliamentary Secretary for the Murray-Darling Basin</td>
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<td>The Hon Andrew Robb AO MP</td>
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<tr>
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<tr>
<td>Shadow Special Minister of State</td>
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<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
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The SPEAKER (Ms Anna Burke) took the chair at 09:00, made an acknowledgement of country and read prayers.

**COMMITTEES**

**Selection Committee**

Mr MORRISON (Cook) (09:01): On indulgence, I seek to ask you to advise the House when you intend to table the report of the Selection Committee that met at 5pm yesterday, before the House today?

The SPEAKER: I will table the report in accordance with the standing orders, in accordance with the practice, after questions without notice today.

**BILLS**

**Rural Research and Development Legislation Amendment Bill 2013**

First Reading

Bill and explanatory memorandum presented by Mr Sidebottom.

Bill read a first time.

Second Reading

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (09:02): I move:

That this bill be now read a second time.

Since Federation, industry and government have worked in partnership to support the productivity of rural industries and improve the reputation of Australian exports abroad. Government support developed in an ad hoc manner until, in 1989, John Kerin and the Hawke government had the foresight to establish the research and development corporation model. The research and development corporations, or 'RDCs', were established under the Primary Industries and Energy Research and Development Act 1989 (the Act). For 24 years, our investment in the RDCs has boosted the productivity and sustainability of rural industries. This bill will make improvements to the existing RDC model and ensure it remains responsive and adapted to our needs.

There are 15 RDCs providing services to a diverse range of rural industries. The RDCs provide the mechanism for industry to invest collectively in research, development and, importantly, extension. Government assists by establishing and collecting a levy if an industry requests this. After recovering costs, the government returns levy funds to the relevant RDC. To encourage this investment, the government matches the RDC's eligible research and development (R&D) spending up to legislated limits. In the next financial year almost $250 million will be invested by the government in rural innovation in this way. Our collaborative model is unique, viewed with envy overseas and benefits all Australians by encouraging profitable and sustainable rural industries.

There are many challenges facing our rural industries. These include climate change, the vagaries of the global economy and increasing populations to feed. There are also opportunities such as increasing exports of Australian agricultural products, particularly to Asia. To ensure our own food security, economic stability and the health of our agricultural resources, the RDC model needs to be updated in line with our changing needs.

Our rural research and development model has proven results, with Australian rural productivity increasing at more than double the rate of other Australian industries over recent decades.

A government member: Hear, hear!

Mr SIDEBOTTOM: Hear, hear! The high level of industry engagement and the strong support the RDC model enjoys from
all sectors make it unique among research funding models around the world. Research, development and extension have a vital role in preparing Australian rural industries for the future challenges and opportunities we face together.

In 2011, the Productivity Commission and the Rural Research and Development Council reviewed the rural research, development and extension system in Australia. Consultation meetings around Australia were held with all interested stakeholders. The ideas and issues raised by stakeholders fed into the government's response: the Rural Research and Development Policy Statement. Ultimately both the Productivity Commission and the council acknowledged the strong foundations of the existing system. Both recommended improvements to the system.

This bill and its companion bills, the Primary Industries (Excise) Levies Amendment Bill 2013 and the Primary Industries (Customs) Charges Amendment Bill 2013, implement the commitments made in the policy statement that require legislative change. They will commence concurrently.

Marketing activities

Of the 15 RDCs, nine are industry owned companies and can already carry out marketing for the benefit of their industry. This bill will give the statutory RDCs the same ability to undertake marketing, if the relevant industry proposes a marketing levy and the government agrees to collect it. Government matching funding will not be used for marketing, only for research, development and extension services.

There is great enthusiasm for allowing statutory RDCs to undertake marketing. The prawn industry has already started down the path of establishing a marketing levy. We have well-established processes to guide industries through the consensus-building process for a levy proposal.

Permitting statutory RDCs to undertake collective marketing will allow industry to educate consumers about the safety and nutritional value of Australian products, the origin of our food and fibre, and the ecological sustainability of our resources.

Matching of voluntary contributions

Primary industries understand that our R&D model is unique and generates benefits far exceeding its cost. This model creates a healthy return on a modest investment. As a result, some businesses in the rural sector are willing, and are able, to make additional voluntary payments to conduct R&D.

The bill will encourage voluntary contributions by making arrangements for the contributions to be matched by government. Currently some RDCs can receive this matching funding and the bill will extend access to matching funding for voluntary contributions to all RDCs. Overall matching funding will continue to be limited by a cap based on each industry's gross value of production. However, RDCs may be able to maximise the R&D they fund by strategically using voluntary contributions to top up R&D spending. Voluntary contributions also allow supply chain partners to work with an industry on issues of joint interest.

Funding agreements

Over the last 10 years, funding agreements between the government and industry owned RDCs have been used to manage governance and performance matters. This bill extends funding agreements to the government relationship with statutory RDCs. Funding agreements will create a flexible mechanism, which can be more readily modified to reflect the changing needs of the parties.
Funding agreements will be used to promote transparency and accountability. The agreements will be tabled in parliament and contain requirements relating to corporate governance and performance. These agreements will also allow government to provide guidance to RDCs regarding the research priorities and needs of the broader Australian community. The bill allows until 1 July 2014 for the statutory RDCs and government to enter into funding agreements.

**Appointment process for statutory RDC board directors**

Current procedures for appointing directors to statutory RDC boards have proved expensive and time-consuming, diverting scarce resources away from statutory RDCs' core functions—providing R&D for their industries.

Amendments in the bill will streamline the selection process. Selection committees will be limited to five members and the committee will be established for up to three years to cut the expense of establishing a committee for each selection process. A 'reserve list' will be created that can be used to fill unplanned board vacancies for 12 months. If a candidate with the necessary skills is not available from the list, the process must begin again.

The presiding member must have regard to equity and diversity when recommending members to the selection committee of a statutory RDC. Similarly, the selection committee must do the same when recommending candidates for the board of a statutory RDC. Diversity of skills and background can broaden and enhance the board's skill base to ensure an effective statutory RDC board.

**Fisheries research and development**

The Fisheries RDC receives most of its funding through the Commonwealth, state and territory governments. The farmed prawn industry is the only individual fishery with a statutory R&D levy.

The bill creates a new class of fisheries R&D levy that can be matched by the government without having to form part of jurisdiction's contribution. The amendments will permit new, individual fishery-sector levies to be collected and matching public funding provided up to a cap specific to that fisheries sector.

Each separately levied fishery will be subject to existing eligibility rules for matching funding. In effect, the fisheries sectors which so choose, will be able to invest in specific R&D and marketing by proposing a levy for that purpose.

**Minor amendments**

To reduce unnecessary red tape, this bill provides that statutory RDCs will no longer have to seek ministerial approval for their annual operating plans. This has become an avoidable burden for both RDCs and the government. Ministerial oversight will focus on strategy rather than day-to-day management. Annual operating plans will be required, but ministerial approval will not.

Minor amendments will remove redundant parts of the legislation. For example, energy is no longer part of the Agriculture, Fisheries and Forestry portfolio, so all references to 'energy' will be removed from the act. References in the act to R&D councils and funds are obsolete and will be removed, making the act easier to understand and administer.

Other minor amendments encourage consistent treatment of RDCs, including standardising requirements to comply with ministerial directions and standardising delegation powers. 'Scientific and technical capacity building' will be added to the objects of the act.
Conclusion

The changes in this bill will make RDCs more flexible and responsive to deal with the new realities they face. The governance processes for RDCs will be streamlined, promoting certainty and consistency for levy-paying and other stakeholders. We will retain a strong focus on transparency, accountability and effectiveness.

Debate adjourned.

Primary Industries (Excise) Levies Amendment Bill 2013

First Reading

Bill and explanatory memorandum presented by Mr Sidebottom.

Bill read a first time.

Second Reading

Mr Sidebottom (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (09:13):

I move:

That this bill be now read a second time.

This bill is part of a package of bills streamlining rural research and development legislation to ensure it remains responsive and adapted to industry and national needs. It will commence concurrently with the other bills in that package, the Rural Research and Development Legislation Amendment Bill 2013 and the Primary Industries (Customs) Charges Amendment Bill 2013.

The Australian agriculture, fisheries and forestry industries have asked government to impose levies to collaboratively fund essential industry services. These include research and development, extension and in some cases marketing, through the 15 research and development corporations.

This bill removes maximum research, development and marketing levy rates from the Primary Industries (Excise) Levies Act 1999. The bill provides that levy rates set by regulations must be the subject of a recommendation from relevant industry bodies, who must consult with levy payers. The bill provides that the regulations will not be able to set a levy rate higher than the highest rate recommended by industry. This will safeguard against arbitrary levy increases.

Proposals for levy increases can occur in response to market changes or seasonal conditions. If an industry wishes to increase its levy rate above the legislated maximum, it is currently a time-consuming and costly process. This will often result in levy increases taking effect much later than is desirable, given the circumstances to which they respond. Eliminating the need to amend the act will streamline this process, reducing the time between a rate increase proposal and the change coming into effect.

The removal of maximum levy rates was recommended by the Productivity Commission following a review of the RDC model. Industry stakeholders and the RDCs were consulted on the changes during and after the review. There is broad support for the removal of maximum rates.

New consultation requirements in the bill provide greater detail and consistency regarding who must be consulted when setting rates, and how to consult levy payers if there is no declared representative body.

Conclusion

This bill encourages primary industries to control their investment in R&D, extension and marketing. The levy-setting process will be easier and more responsive to industry needs. Robust consultation and consensus requirements ensure that levy setting remains industry's responsibility.

Debate adjourned.
Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (09:17): I move: That this bill be now read a second time.

This bill is part of a package of bills, referred to in the previous second reading speech, to commence concurrently with the Rural Research and Development Legislation Amendment Bill 2013 and the Primary Industries (Excise) Levies Amendment Bill 2013.

This bill removes maximum research, development and marketing charge rates from the Primary Industries (Customs) Charges Act 1999. The bill provides that charge rates set by regulations must be the subject of a recommendation from relevant industry bodies, who must consult with charge payers. The bill provides that the regulations will not be able to set a charge rate higher than the highest rate recommended by industry. This will safeguard against arbitrary charge increases.

Debate adjourned.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (09:19): I move: That this bill be now read a second time.

This bill amends various taxation laws to implement a range of improvements to Australia's tax laws.

The legislation we are introducing today will make the taxation of excess contributions fairer.

Currently, excess contributions above the concessional contributions cap generally are taxed at the top marginal tax rate—46.5 per cent—regardless of an individual's income. This is a severe penalty for low- and middle-income earners.

In contrast, individuals on the top marginal rate effectively face no penalty and benefit from being able to pay their tax on excess contributions later than normal income tax.

The changes contained in the legislation will enable excess concessional contributions to be included in an individual's taxable income and allow them to be taxed at the individual's marginal tax rate regardless of their income or the cause of the breach. A non-refundable tax offset of 15 per cent will be provided to individuals to account for the income tax paid by their fund.

The changes will apply to contributions made on and after 1 July 2013.

Question agreed to.

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (09:19): I move: That this bill be now read a second time.

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In contrast, individuals on the top marginal rate effectively face no penalty and benefit from being able to pay their tax on excess contributions later than normal income tax.

The changes contained in the legislation will enable excess concessional contributions to be included in an individual's taxable income and allow them to be taxed at the individual's marginal tax rate regardless of their income or the cause of the breach. A non-refundable tax offset of 15 per cent will be provided to individuals to account for the income tax paid by their fund.

The changes will apply to contributions made on and after 1 July 2013.
In addition, individuals will be allowed to withdraw any excess concessional contributions from their superannuation provider.

These changes will make the superannuation system fairer.

It is estimated that this reform will reduce the tax liability of around 40,000 low- and middle-income earners in 2013-14, by around $1,100 on average.

Full details of the measure are contained in the explanatory memorandum.

Debate adjourned.

Superannuation (Excess Concessional Contributions Charge) Bill 2013

First Reading
Bill and explanatory memorandum presented by Mr Shorten.
Bill read a first time.

Second Reading
Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (09:22): I move:

That this bill be now read a second time.

This bill will make the taxation of excess contributions fairer and make some common sense changes to the Costello excess contributions tax arrangements.

The bill will enable excess concessional contributions made from 1 July 2013 to be taxed at an individual's marginal tax rate regardless of the individual's income or the cause of the breach.

Excess contributions above the concessional contributions cap are currently taxed at the top marginal tax rate—46.5 per cent—regardless of an individual's income.

The bill will allow those who exceed the concessional contributions cap to choose to withdraw the excess contribution without penalty should they wish.

This bill will impose a new interest charge—the excess concessional contributions charge—to individuals who exceed their concessional cap.

This charge is designed to account for the income tax that would otherwise have been paid earlier on these amounts had they been taken as salary, wages or profits.

In contrast, individuals on the top marginal rate effectively face no penalty and benefit from being able to pay their tax on excess contributions later than normal income tax.

This will make the taxation of excess contributions fairer.

Full details of the measure are contained in the explanatory memorandum.

Debate adjourned.

Parliamentary Service Amendment (Freedom of Information) Bill 2013
Returned from Senate
Message received from the Senate returning the bill without amendment or request.

MINISTERIAL STATEMENTS

Afghanistan

Mr STEPHEN SMITH (Perth—Minister for Defence and Deputy Leader of the House) (09:23): by leave—I thank the House.

Introduction

The government is committed to providing regular reports and updates on Afghanistan, including to the parliament.

This is my third report to the parliament this year.

On 7 February this year I presented an update on transition in Afghanistan. As this process gains pace and we look towards the
very substantial drawdown of the ADF in Uruzgan at the end of this year, it is appropriate to again update parliament and the Australian people on progress towards transition.

This update follows on from my visit to Afghanistan on 2 June.

**Afghan-wide Transition**

Progress continues to be made on transition across Afghanistan. Australia welcomes the announcement yesterday of the fifth and final tranche of transition, which will see Afghanistan's final provinces and districts enter transition. With the inclusion of these final districts into the transition process, Australia welcomes the achievement of the so-called 'Chicago Milestone', where the Afghan National Security Force officially takes the national lead for security responsibility for all the districts in all of Afghanistan's 34 provinces, all of which have now entered transition.

Throughout Afghanistan, the Afghan National Security Force is growing more competent and capable. The Afghan National Security Force participate in all operations and are in the lead in 95 per cent of these— from routine tasks, including combat service support missions, medical evacuations and route clearance operations to high-level tasks such as special operations. The ANSF indigenous training capability is increasingly developing with the ANSF delivering up to 90 per cent of their own training.

In keeping with this trend, on 11 April this year, the Australian-led Artillery Training and Advisory Team (ATAT) officially completed its mission to establish a fully autonomous Afghan National Army School of Artillery and the ADF personnel relevant to that training mission have returned home.

**Australia's 2014 Role**

In 2014, the Australian commitment to Afghanistan will include a commitment of around 75 personnel, including instructors and advisers, support staff and force protection at the Afghan National Army Officer Academy in Kabul, together with our British and New Zealand colleagues.

In Kandahar, the ADF will continue to provide advisory support to the 205 Corps of the ANA through an adviser and force protection complement of over 50. The ADF will also maintain its commitment of 10 advisers to the Logistics Training Advisory Team in Kabul.

Australia currently has over 100 staff embedded within a range of ISAF headquarters. The embed commitment in 2014 is expected to evolve as ISAF prepares for the post-2014 train, advise and assist mission. A possible Special Forces role remains contingent on government consideration and consultation with the United States and ISAF over Australia's possible post-2014 Special Forces role.

**Post-2014 NATO-led Mission**

At the Chicago summit in May 2012, ISAF nations and the Afghan government agreed to work together to establish a new NATO-led post-2014 mission to train, advise and assist the ANSF. We are well down that path. At the recent NATO/ISAF defence ministers' meeting in Brussels on 4 June, the concept of operations for the post-2014 train, advise and assist mission was endorsed by defence ministers. Operational planning for the post-2014 mission will continue to develop through the remainder of 2013.

**Australia's post-2014 role**

Australia is prepared to maintain an ADF presence in Afghanistan to support stability and security after the completion of nationwide transition at the end of 2014.
Australia will continue to provide training and advisory support to the ANSF through the NATO-led train, advise and assist mission to Afghanistan. Under an appropriate mandate, Australia is prepared to make a Special Forces contribution, either for training or for counter-terrorism purposes, or both. The actual size and scope of Australia’s post-2014 ADF contributed is yet to be determined.

As well, Australia will contribute US$100 million annually for three years from January 2015 as part of international efforts to sustain and support the ANSF beyond transition, a continuation of the US$200 million Australia committed in 2009 to help sustain the ANA in Uruzgan Province over the five years from 2009 until the end of 2014.

The National Security Interest

In my first statement on Afghanistan to the parliament as Minister for Defence on 20 October 2010, I said, ‘There can be no more serious endeavour for any country or government than to send its military forces into conflict.’ To send its men and women in uniform into harm’s way, a country or government must have a clear national security interest reason to do so.

Lessons from Afghanistan

Australia’s national security interest in our commitment to Afghanistan—past, present and future—is clear: to prevent Afghanistan from again being used by terrorists to plan and train for attacks abroad on innocent civilians, including Australians in our own region and beyond.

The Use of Military Force

Our experience over the last 10 years in Afghanistan has highlighted some important general lessons for the use of military force. It has reinforced the well-known point that it is the easiest thing in the world to get involved in major commitments, but it is substantially more difficult to get out. That is why, when a government makes a decision about a military intervention, it must very, very carefully consider whether that intervention is required in a country’s national security and national interests.

In the case of Afghanistan, there was strong international community and bipartisan domestic support for the intervention in Afghanistan, mandated by the United Nations Security Council in December 2001. If there had not been a continually renewed United Nations mandate for Afghanistan, the international community, in my view, would have withdrawn years ago.

Progress in Afghanistan was substantially undermined as a result of Iraq, which was not the subject of a United Nations mandate and which did not have bipartisan domestic support either here or internationally.

International community focus shifted from Afghanistan in the latter half of 2002, in the lead-up to the Iraq War. This allowed the Taliban to regroup in the Afghanistan-Pakistan border region and reassert and rebuild its influence in southern Afghanistan from 2003 through 2005. As a result, from 2006 onwards, ISAF forces faced fierce opposition from a resurgent Taliban in southern Afghanistan. Focus shifted back to Afghanistan in 2008.

The subsequent surge of international troops and resources into Afghanistan and the sharper international focus led to the transition process and where we are today, but the regrettable fact is that valuable years, a half dozen years, were lost to the Afghanistan mission as a result of Iraq.

International decision making

From the earliest days, the government was forthright in demanding a place at the international table when key decisions were made on Afghanistan. My ministerial
predecessors Ministers Nelson, Fitzgibbon and Faulkner did very valuable work on that front. Australia insisted that strategic level decisions on Afghanistan were taken by the International Security Assistance Force, not just by NATO.

While the government was prepared to put our men and women in uniform into harm's way to prevent Afghanistan from again becoming a breeding ground for international terrorism, we were equally determined to ensure that from 2008 Australia was part of the decision-making process for the international community's strategy on Afghanistan.

**Strategy and Mission**

In Lisbon in November 2010, leaders from Afghanistan and ISAF countries agreed that a conditions based transition to Afghan led security begin in 2011, with the aim of completing transition by the end of 2014. The international community agreed at the Chicago summit in May 2012 to continue to fund, train and support the Afghan National Security Force post transition, and to consolidate and build on the security gains of the transition strategy.

The international community also committed to supporting Afghanistan's development in the long term, including through the signature of long-term strategic partnership agreements. Long term support to Afghanistan, its institutions and its security forces are an important signal to the people of Afghanistan, the Taliban and the region that the international community will not walk away from Afghanistan at the end of 2014.

This long-term support is an important safeguard against the inevitable pressure the Taliban will seek to bear on Afghan institutions of state and the Afghan National Security Forces with transition to Afghan led security responsibility. Similarly, a continued special forces contingent will be important to maintain an active deterrent against the re-emergence of international terrorists.

These two elements—long-term international support and continued special forces assistance—will be important both to sustain the transition to Afghan security responsibility and to ensure the viability of what the international community has achieved in Afghanistan.

If, following the transition to Afghan security responsibility, Afghan institutions and the Afghan security forces were to collapse, or Afghanistan was again to re-emerge as a base for international terrorism, the Australian public would rightly question whether stabilisation operations and humanitarian interventions were worth the cost in lives and resources.

That is why Australia has committed to the long-term support of Afghanistan and is prepared to maintain an Australian Defence Force presence in Afghanistan to support stability and security after the completion of nationwide transition at the end of 2014. That is why I have stressed that under an appropriate mandate, Australia is prepared to make a special forces contribution, either for training or for counterterrorism purposes, or both.

The requirements of Australia's adherence to the rule of law in Afghanistan, our approach to civilian casualties and our detainee management framework, are exacting. They have however stood the ADF and their well-deserved reputation in good stead and allowed the ADF to retain the pride and support of the Australian people in the job they are doing.

Our international reputation, our credibility and our reliability as a partner as a result of our experience in Afghanistan have been enhanced consistent with the finest
traditions of Australia and the ADF in combat or warlike operations: first class fighters, and respectful of international law and highly conscious of the rights of civilians and locals.

**Afghan-led Peace and Reconciliation Process**

I said to the House in my 7 February 2013 statement that Australia has long supported an Afghan-led peace and reconciliation process, recognising that conflict in Afghanistan will not be ended by military force alone.

Australia welcomes the opening of an office in Doha for the purpose of negotiations between the Taliban and the High Peace Council of Afghanistan as part of an Afghan-led peace process.

Australia also welcomes the fact that United States representatives will meet the Taliban in Doha for talks aimed at achieving peace in Afghanistan.

These talks will necessarily be long, complex and inevitably subject to setbacks, but efforts at peace and reconciliation must continue.

**Awards from Operations in Afghanistan**

Australia's contribution to Afghanistan has seen great acts of bravery. Australia's highest military honour, the Victoria Cross for Australia, has been awarded to three outstanding individuals for their acts of exceptional courage: Trooper Mark Donaldson, Corporal Ben Roberts-Smith, and Corporal Daniel Keighran.

Operations in Afghanistan have also seen the award of the Battle Honour Eastern Shah Wali Kot to the Special Air Service Regiment and to the 2nd Commando Regiment for their outstanding performance during the Shah Wali Kot offensive in Afghanistan from May to June 2010. Eastern Shah Wali Kot is the first Army Battle Honour awarded since the end of the Vietnam War.

On 10 May this year it was my privilege to attend the presentation of the Eastern Shah Wali Kot Battle Honour to the Special Air Service Regiment at Campbell Barracks in Swanbourne, Perth. Today I will have the privilege of attending the presentation of the Eastern Shah Wali Kot Battle Honour to the 2nd Commando Regiment in Holsworthy, Sydney.

**Australian Battle Casualties**

Australia's mission in Afghanistan has come at a substantial price. We have lost 39 ADF members and 254 personnel have been wounded in action to date.

We have achieved much in Afghanistan. We still have much to contribute.

Today in this parliament, we pay tribute to our wounded warriors and those who have made the ultimate sacrifice. We will not forget them.

I take this opportunity to table a paper in conjunction with my ministerial statement and I seek leave of the House to move a motion to enable the member for Fadden to speak for 13 minutes.

Leave granted.

Mr STEPHEN SMITH: I move:

That so much of standing and sessional orders be suspended as would prevent Mr Robert speaking for a period not exceeding 13 minutes.

Question agreed to.

Mr ROBERT (Fadden) (09:37): I thank the minister for providing his final update to the House for this parliamentary sitting. I thank the minister for his consistency in keeping the House informed regularly throughout his term as the Minister for Defence. He has done so quite openly and quite forthrightly.

Yesterday, the long war in Afghanistan reached another historic milestone. NATO
and coalition forces formally announced the handover of the final provinces and districts to Afghan security forces. President Hamid Karzai described the announcement as a historic moment for his nation and the fulfilment of one of his greatest desires. Whether the President's desire will be met in the future is now fully and totally up to him, his government and their security forces. NATO and coalition forces, including substantial elements of the ADF, have done an enormous amount of heavy lifting over a very long decade. The ANA and the Afghan National Police, the ANP, are as equipped and as trained and prepared as they could be. Now is the final moment of the testing. Now we determine whether Afghan forces and the people of that country are able to rise up and realise their self-appointed destiny as a nation in the full concert of others around the world.

The minister was right to recap on the just and right way Australia entered the war—to face the realisation of extreme Islamic terrorism head-on and to stand shoulder to shoulder with our American friends and other allies around the world. Terrorism is a threat that cannot and must not be negotiated with. It must be faced; it must be defeated.

This was the war that saw the ANZUS alliance activated. And we are not fair-weather friends; tens of thousands of Australia's finest men and women have poured through Afghanistan on continuous rotations. We have provided the third-largest special forces contingent within that troubled country, with numbers and numbers of our special forces soldiers rotating through on up to nine separate occasions.

Ours has been a long and tough fight. We have provided substantial air, land and sea assets. As a nation we have provided the largest contingent of forces per capita; a phenomenal feat, not just as a non-NATO country but for any nation. We have not weathered great political storms that have seen other governments fall and forces withdrawn. The government and the opposition have stayed shoulder to shoulder in ensuring that a legitimate, right and just fight against those who would seek to do us harm was adequately and appropriately responded to.

It has been a long road in this fight against extreme Islamic terrorism. We deployed forces in response to the barbaric acts of September 11 in late 2001. Apart from a hiatus in 2003-05, when Australia's contingent was two lone engineers, we have maintained a consistent and strong presence. We have paid an exacting price: 39 Australians killed in action; 254 wounded in action, including a special forces soldier in the last 24 hours, after a heavy landing of a Black Hawk; numerous bravery awards given to our fighting men and women, justly deserved, including three Victoria Crosses.

Of course I will join the minister today when the 2nd Commando Regiment receives the Army battle honour for eastern Shah Wali Kot for its heroic fight in the May-June period 2010.

The future now is Afghan security forces securing their own country, especially the difficult southern provinces and the districts that they will operate independently—under independent command, with independent force dispositions from the end of the year. Australian forces will come home from Uruzgan at the final parts of this year and early next year. And there is every indication that Uruzgan province will not have a coalition footprint post withdrawal as it has not yet been named as one of the 10 provincial areas where coalition forces will remain.

The 4th Brigade of the Afghan National Army has been trained by the finest soldiers
in the world: the men and women of the Australian Defence Force. They will operate in a province where there will be no coalition footprint to assist. They will truly have to realise their long-held dream of autonomy and security independently. Our military is proud of what they have been able to achieve. They have trained the Afghan forces to the highest possible standard. I am confident the 4th Brigade of the ANA will rise to the challenge.

The coalition will continue and will maintain its strong bipartisan support to the government on Commonwealth operations in Afghanistan right through to the election. I have been proud over the last three to four years, as the only member of the coalition shadow defence team here in the House of Representatives, to have put strong voice to that bipartisanship for our combat operations. It may surprise the Australian people to know that bipartisanship is not so much the minister and I at the dispatch box standing shoulder to shoulder; it mostly involves closed-door meetings, phone calls, joint flights, like that which the minister and I will do today to join the 2nd Commando Regiment, and keeping each other informed as to where we are going. Bipartisanship starts privately; it exhibits its face publicly. We have not wavered during some of the darkest days in this parliament when our casualties were high. The bipartisanship will continue through to the election and, regardless of the result, it will continue post election from the coalition's point of view.

In responding to the minister's forced disposition post withdrawal, can I simply back up the minister with his view that post September, if the nation does elect a coalition government, they can be assured that we will continue with the planned withdrawal of the bulk of the combat force and that we will honour the agreements the concert of nations have put together in terms of future boots on the ground. That includes our long-held support to 'Duntroon in the desert'—because there is no way I am letting the Poms get away with calling it 'Sandhurst in the sand', which is the ANA officer training in Kabul—support we have offered from the very beginning. Likewise, this includes the logistics training advisory team, as well as continued embedded personnel within ISAF commands where it is warranted.

I note from the minister that our gunners have returned from running and commanding the Afghan school of guns, which was a remarkable success. It was a landmark contribution that had the hallmarks of the great things that Australia's fighting men and women do. Faced with having to train in a technical environment of gunnery, and with a largely illiterate Afghan force, it was the Australians, the young men and women, who devised an educational regime of teaching the gunners how to read and write within a six- or seven-week period as part of their training program. I believe it was so successful that commander ISAF came and visited to see what the Australians were doing in order to extend it further afield in other parts of training. The Anzac spirit of innovativeness and entrepreneurism on the battlefield continues to this day.

We join the minister in considering the use of any possible special force capabilities when we have greater clarity over the status of forces agreement that they would operate under. I believe the government is still working with its coalition partners in trying to get sufficient clarity on that. The minister and I have spoken at length about it, and sufficient clarity at present does not exist in terms of a mandate under which they would operate. Suffice it to say, we will engage quickly and strongly with our allies and partners, and we will demonstrate that great
Australian spirit of reliability and conscientiousness as a partner.

The Australia Army can also rest easy that if there is a future coalition government it will not be resting on our laurels post Afghanistan. There will be no post-Vietnam long-peace approach to our military, a peace that I entered as a serving officer—and I look across at the minister for procurement, then Colonel Kelly, and it was a long peace that he entered—but that was interrupted by operations that, frankly, the military was not prepared for. We are committed to a hardened, networked Army which can operate in a network-centric joint environment as part of a maritime strategy. We are committed to the next phase of the Army's development, especially Land 121 Phase 4 and Land 400, which go to the bulk of the Army's vehicle replacements.

The post-Afghanistan Army, building on a very sensible and well-considered force generation cycle—plan BEERSHEBA—will be a tough, hardened capable force able to meet the government's strategy objectives. That is our aim for a post-Afghanistan military. In that spirit we have announced that there will be no cuts to the Defence Force under any incoming coalition government and that all savings from the bureaucracy will be reinvested back into Defence.

I thank the minister for his work with our wounded warriors and their integration back into Australia. We are in furious agreement with the minister on his concerted approach to caring for our wounded, both physically and mentally. We vociferously supported the MOU and a closer working relationship between Defence and the Department of Veterans' Affairs, and note the effectiveness of the Minister for Veterans' Affairs and the Minister for Defence Science and Personnel being one and the same person. That way the minister cannot hand something off to another minister; he has to hand it off to himself. That has proven to be a remarkably effective way forward and, considering the wind-down from Afghanistan, the issues we are now facing in mental health, and the extent of the MOU, there is considerable sense in continuing that approach.

Minister, thank you for the opportunity to speak one last time in this parliament on our combat operations. The withdrawal is progressing well. The amount of cargo being removed from the Afghanistan Theater of Operations is astonishing, as we seek to move almost $3 billion of equipment out through a limited land bridge and an extensive air bridge before shipping cargo back. We are now in a logistics battle, where our logisticians will rise to the fore. If there was to be a logistics war then this is it, and I am confident that our loggies can rise to the challenge. The minister can be sure that the coalition will provide considered bipartisan support right to the very end of this parliament. I thank the minister for the opportunity to update the House.

The DEPUTY SPEAKER (Mr Oakeshott) (09:49): It is acknowledged by the House that this has been a regular update from both sides of the parliament, but I thank in particular the minister and the executive government for keeping the House informed of activities in Afghanistan.

Mr JENKINS (Scullin) (09:50): Mr Deputy Speaker Oakeshott, you and I have recently returned from the parliamentary delegation to Afghanistan and I want to speak briefly, on indulgence, on this topic. I think it is important that we have these briefings on our military engagement. As you are fully aware, that delegation felt that, when we move into a civil engagement after the military engagement, to honour the efforts of the military engagement we should
ensure that that civil engagement of Australia in Afghanistan continues at a great pace. I hope that future parliaments will have reports about that civil engagement of the same standard that we have had during this parliament. I congratulate the Minister for Defence.

COMMITTEES

Human Rights Committee

Report

Mr JENKINS (Scullin) (09:50): On behalf of the Parliamentary Joint Committee on Human Rights, I present the following reports:

Eighth report of 2013—Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Bills introduced 27 May-6 June 2013; Human rights and civil penalties, and

Ninth report of 2013—Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012 and related legislation

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

Mr JENKINS: by leave—I thank the House. The eighth report of 2013 of the Parliamentary Joint Committee on Human Rights sets out the committee's consideration of 37 bills introduced in the House from 27 May to 6 June 2013. The committee has identified 28 bills that do not appear to give rise to human rights concerns. Some of these bills do not engage human rights, some engage and promote rights, and a number engage and limit rights but are accompanied by statements of compatibility that set out an adequate justification for each of these limitations. In addition, two private members' bills may engage rights and the committee leaves open the option of examining these bills further in the event that the bills proceed to further stages of debate. Two bills were introduced without statements of compatibility and the committee will write to the proponents of those bills seeking clarification of this. The committee will seek further information in relation to the remaining seven bills.

In this eighth report of 2013 the PJCHR sets out its understanding of the human rights law position on civil penalties. Since commencing its work in August 2012, the committee has noted a number of bills containing civil penalty provisions and has sought clarification regarding the consistency of these provisions with the guarantees relating to criminal proceedings contained in articles 14 and 15 of the International Covenant on Civil and Political Rights. In this report, the committee has set out its comments on the civil penalty provisions in four bills, indicating the type of analysis that it considers may be appropriate to include in statements of compatibility accompanying bills that introduce or incorporate civil penalty regimes. The committee thanks the ministers concerned for their detailed responses to the committee's comments and for their forbearance while the committee gave detailed consideration to this issue.

The committee has concluded that the civil penalty provisions in two of the bills are unlikely to be considered criminal. The remaining two bills contain civil penalty provisions that the committee considers may properly be characterised as 'criminal' in nature under international human rights law. As such, the committee has expressed concerns that where a person may be subject to a pecuniary penalty for a civil penalty contravention, in addition to punishment under a criminal offence for the same or substantially the same conduct, this may be inconsistent with the right not to be tried twice for the same offence as set out in

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article 14(7) of the ICCPR. To assist those involved in policy development, drafting and human rights scrutiny of these types of development, the committee has developed an interim practice note setting out its understanding of the human rights law position. Practice note 2 forms appendix 2 to the committee's report and is available on the committee's website.

The committee's ninth report of 2013 sets out the committee's examination of the Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012 and related legislation. The committee initially wrote to the Minister for Immigration and Citizenship seeking information about the human rights compatibility of the Migration Legislation Amendment (Regional Processing and Other Measures) Act 2012 on 22 August and 31 October 2012. The committee subsequently held two public hearings and accepted a number of submissions on this and related legislation.

Let me say at the outset that the committee does not underestimate the scale of the challenge facing the government. The committee is in no doubt that the risks faced by people seeking Australia's protection by irregular maritime travel are significant. The committee recognises that under international law every state has the sovereign right to determine who may enter its territory. However, the exercise of this right is subject to any obligations the state accepts under international treaties, including human rights treaties, or by which it is bound under customary international law. The committee acknowledges that the setting of immigration policies may involve judgements about the national interest and these national interest considerations may properly be taken into account in determining whether any restrictions on human rights resulting from the implementation of immigration policy are justifiable.

The committee has approached its consideration of the human rights implications of the policies implemented through this package of legislation using the same analytical framework that it consistently applies to the assessment of the limitation of rights in any bill or instrument that comes before it. I draw the attention of members to the analytical framework applied by the committee in its interpretation of the underlying human rights obligations and principles engaged by this legislation. Through its consideration of the measures in this legislation, the committee has focused on three key questions: (1) whether the measures are aimed at achieving a legitimate objective; (2) whether there is a rational connection between the measures and that objective; and (3) whether the measures are proportionate to that objective.

The committee considers that it is a legitimate and pressing objective for the government to explore all reasonable solutions to reduce the risks associated with irregular maritime travel. Nevertheless, in order to be justifiable under human rights law, such measures must be demonstrated to be rationally connected to the achievement of that objective and must be proportionate to that objective. On the basis of the evidence before it, the committee considers that the regional processing measures as currently implemented by this legislation carry significant risk of being incompatible with a range of human rights. To the extent that some of those rights may be limited, the committee considers that the reasonableness and proportionality of those limitations have not been clearly demonstrated.

In closing, I would like to emphasise that this consensus report reflects a careful and considered response to the human rights
issues raised by this legislation. As such, I encourage honourable members to read the committee's comments on this legislation in their entirety. I emphasise that point: we ask that members read the committee's comments on this legislation in their entirety, that they do not cherry-pick, that they do not take it out of context. Not to look at the committee's report in its entirety diminishes the work of the committee.

I take this opportunity to thank my committee colleagues for their principled and collegiate approach to the consideration of these complex and contentious issues. I commend them for their concerted efforts to set aside partisan positions in considering questions of human rights compatibility, in the consideration of this legislation and consistently in the consideration of all legislation that comes before the committee. I commend the committee's eighth and ninth reports of 2013 to the House.

Social Policy and Legal Affairs Committee Report

Mr PERRETT (Moreton—Government Whip) (10:00): On behalf of the Standing Committee on Social Policy and Legal Affairs, I present the committee's advisory report on the Intellectual Property Laws Amendment Bill 2013, together with the minutes of proceedings and evidence received by the committee.

In accordance with standing order 39(f) the report was made a Parliamentary Paper.

Mr PERRETT: I ask leave of the House to make a short statement—a little bit shorter than the member for Scullin's very detailed and noteworthy report—in connection with this report.

Leave granted.

Mr PERRETT: This report follows on from the great work of the Productivity Commission and Intellectual Property Australia, IP Australia. It is a short report recommending that the legislation be passed. I do make particular reference to two of the witnesses that we heard from, Dr Luigi Palombi and Dr Matthew Rimmer. I particularly commend Dr Palombi's great work in gene patents, but I disagree with his recommendations in terms of this piece of legislation on this particular matter. Whilst I am on the record as supporting many of his endeavours in terms of gene patents, I think in this IP area we have a slight disagreement.

The Productivity Commission started this process. It has been a long, considered process. I commend the report to the House and hope for a contribution from my very capable deputy chair, who has assisted me throughout this 43rd Parliament, and I wish her well in her future endeavours.

Mrs MOYLAN (Pearce) (10:02): by leave—I thank my colleague the member for Moreton for his kind words. It has been a great pleasure to work with him. I have spoken in this House and written to the Speaker previously about the incredibly short time frames in which committees are expected to scrutinise bills, particularly very complex bills. Unfortunately, the inquiry into this bill has been an exemplar of that problem.

The Intellectual Property Laws Amendment Bill seeks to make complex changes to patent laws which have existed before Federation and that operate through an intricate web of international agreements. The bill is 60 pages long and the explanatory memorandum is more than 100 pages. The bill has been prompted by a report from the Productivity Commission, released only in March of this year, and that report is itself more than 300 pages long. Yet the inquiry into this bill was originally scheduled for only one hour during the previous sitting
fortnight and after committee members had only a few days in which to digest all that material.

Further, it is concerning that a number of stakeholders and industry professionals were not aware that both the hearing and bill were proceeding in such a tight time frame. However, some were able to present their views to the committee on short notice, and outlined a number of points that they believe require further investigation. One area includes proposed changes to the Crown use provisions. Whilst patents protect the intellectual property rights of an inventor, Crown use allows for inventions to be utilised by the government in the public interest, such as for defence purposes or in times of national emergency, such as medical crises. The provision has rarely been used in Australia with only two instances of challenged Crown use applications being bought in over 100 years. The power can currently be used by arms of the government such as the departments with relative ease for the services of the Commonwealth, and suitable remuneration must be paid to the patent holder.

But in submission to the committee, patent experts were concerned that the changes in the bill to require ministerial declaration would unduly complicate the current system, which they submitted had served Australia well. Further, they noted that it could invite legal challenges with a patent holder challenging the declaration of a minister possibly as a strategic move to elicit more remuneration.

Another area of concern brought to the committee's attention was the interplay with the World Trade Organization's trade-related aspects of intellectual property rights agreement—or TRIPS, as it is known. The TRIPS agreement itself only allows for a compulsory licence to be granted to use or produce patented medication for primarily domestic use when there is a health emergency. The Doha declaration on TRIPS extended that exception to allow for compulsory licences in countries that have a capability to produce and export medicines to send it to other countries suffering medical emergencies where they have insufficient or no manufacturing capabilities of their own. But those recipient countries must also be World Trade Organization members. That presents some challenges in some cases, but the intent is to ensure that affordable medication can be made available to underdeveloped countries when necessary but it also protects the patent holder so that they still have a commercial incentive to produce vital medication.

The purpose of limiting the exception to WTO member countries is to ensure that states which benefit comply with the strict rules and utilise the cost-price medication only to ameliorate the health concerns in their country, rather than onsell for profit. That is because WTO members can utilise the organisation's dispute resolution framework, including sanctions, if necessary.

But this sets up an ethical conflict. In Australia's region, East Timor, for instance, is not a WTO member and may require assistance from Australia as a pharmaceutical producer if a pandemic were to occur. Black letter compliance with TRIPS would prevent Australia from assisting, but the bill rightly expands the definition beyond that in TRIPS to allow Australia to respond and help less developed countries that are outside of the WTO and are in need. The bill's intent should be supported, but the ramifications of noncompliance with the strict provisions in TRIPS, if any, remain largely unexplored.

A number of drafting issues were also pointed out to the committee, such as the
terminology 'to work the invention', which is inconsistent with existing provisions in the act that state 'exploit'. The difference could limit Crown use and compulsory licensing to only utilising an existing physical manifestation of the invention, rather than being able to utilise formulas or instructions to physically make the item in the first place.

In addition, a new test, the 'reasonable requirement test' is introduced. But the possible effects of this new test have largely been left unexamined as the committee has not had the time to further inquire.

As a result, the committee hopes that discussions on the bill in this parliament will distil greater clarity, but it is concerned that the bill is scheduled for debate in the next few sitting days, which will not allow for a more well-informed discussion or extra input from stakeholders.

The committee came to appreciate in its discussions a solid understanding of the many intricacies of patent law and intellectual property that is required to fully appreciate the impact of this bill. The rush to put it through the committee and into this parliament with less than desirable consultation has the potential to produce many unintended consequences in a system that has remained reliable for over 100 years.

**Education and Employment Committee Report**

**Mr SYMON** (Deakin) (10:10): On behalf of the House of Representatives Standing Committee on Education and Employment, I present the following advisory reports, incorporating dissenting reports, together with the minutes of proceedings and evidence received by the committee: Early Years Quality Fund Special Account Bill 2013 and the Australian Education (Consequential and Transitional Provisions) Bill 2013.

In accordance with standing order 39(f) the reports were made parliamentary papers.

**Mr SYMON**: by leave—The advisory report on the Early Years Quality Fund Special Account Bill 2013 was referred on 30 May by the House of Representatives Selection Committee for inquiry and report. The bill establishes a special account to administer the Early Years Quality Fund, providing for $300 million to be credited to the fund over two years.

The fund will provide financial assistance to approved early childcare services to be used exclusively for pay remuneration and other employment related costs and expenses. Both for-profit and not-for-profit service providers will be eligible to apply for funding. Approximately 7,000 centres are eligible to apply for funding, covering over 78,000 workers.

The objective of the fund is to attract and retain qualified professionals working in the early childcare sector. It is anticipated that high wages will have a positive impact on attracting and retaining qualified employees in the sector and increasing professionalism overall.

Further, a key component of quality education is the opportunity for quality interaction between educator and child. International studies have shown that, as children develop, with longer attachments to their educators, their education and care experience is equally enhanced. Retaining early educators in the sector is therefore an important factor when striving for high educational outcomes for these Australian children.

The committee notes in its report the significant level of misinformation promoted by stakeholders on both sides of this debate. However, the committee focused specifically on the merits of the bill before it. In addition, the committee received a large volume of
submissions as a result of campaigns run by both sides of the debate. The report notes that such campaigns are not an effective way to engage with parliamentary committees and are particularly ineffective in bills inquiries. I would encourage all stakeholders wishing to run such a campaign to contact the respective committee secretariats about more effective ways of communicating with committees.

As the terms of the bill meet the government’s policy objective, the committee recommends that the House pass the bill. I commend that report to the House.

In relation to the advisory report on the Australian Education (Consequential and Transitional Provisions) Bill 2013, on 5 June 2013 the House of Representatives Selection Committee referred the Australian Education (Consequential and Transitional Provisions) Bill 2013 for inquiry and report. The reason for that referral was to ensure scrutiny of legislation associated with the Australian Education Bill.

The bill amends certain Commonwealth laws and contains transitional arrangements consequential to the enactment of the Australian Education Bill 2012, which was passed with amendments by this House on 5 June 2013.

The majority of submissions received by this inquiry focused on the policy and provisions of the Australian Education Bill rather than the bill before the inquiry itself. Although the current bill contains transitional and consequential amendments to the Australian Education Bill, the latter is not the subject of this inquiry and therefore issues raised by these stakeholders are not discussed in the committee’s report.

Given that the proposed bill gives effect to the decision already taken by the House, the committee recommends that the bill be passed. I commend the report to the House.

Mr RAMSEY (Grey) (10:14): by leave—I am Deputy Chair of the House of Representatives Standing Committee on Education and Employment. I thank the chair for his comments. I will commence my speech on the Australian Education (Consequential and Transitional Provisions) Bill 2013. I am dismayed to report the coalition members were unable to make a recommendation at all in relation to this bill. The reason is that we feel the committee system is being abused in the current parliament. I know, Mr Deputy Speaker Oakeshott, you would probably feel quite strongly about this issue, considering your involvement in the new parameters for how this House operates. Currently the committees are being overloaded with inquiries and consequently the inquiry times have been shut off to such an extent we, the coalition members, feel we could not fully get to the bottom of the meaning of the legislation.

I thank the secretariat—in relation to both of the reports I have in front of me at the moment—for their diligent work in this area. But I am very concerned they are being overloaded beyond their ability—beyond anybody’s ability—to respond to the time lines which are put in front of us at the moment. On this bill, the Australian Education (Consequential and Transitional Provisions) Bill 2013, we were unable to have any public hearings at all. Although we had, I think, nine submissions, we were unable to ask many difficult questions, which remain unanswered—for instance, we do not know, and we could not find out, when the last school will come off transitional arrangements. We could not find out whether we really have a national funding system, because we read in the press that New South Wales, for instance, will be operating on 95 per cent of the student resource standard while Western Australia may be operating on...
111 per cent. But this committee is not able to get that information. It is, I think, a wrongful use or an abasement of the committee system that we have not had the opportunity to explore the ramifications.

There was a list of schools put forward by Victorian minister Martin Dixon to the Victorian parliament last week; he said 481 schools in Victoria would be worse off over the next six years under the deal offered to Victoria. But, as with the Australian Education Bill itself, the committee has not had the opportunity to actually get to the bottom of the meaning of the bill and now the transitional arrangements. In fact we spent 2½ months working on the original version of the Australian Education Bill—which, I would have to say, did not say much at all—and then we were not even given an opportunity to look at the 70 pages of amendments that were rushed through this parliament in the last sitting week. Under those circumstances, how on earth can a committee with any integrity actually offer advice to the parliament on whether it should or should not pass those bills? So, for the Australian Education (Consequential and Transitional Provisions) Bill 2013, we have put in a dissenting report and pointed out those factors about this very short use of the committee system that I think is just wrong, and we have not made a recommendation to the parliament.

For the second bill before us, the Early Years Quality Fund Special Account Bill 2013, we have also put in a dissenting report. While we recognise that the government has nominated an extra $300 million to go into the sector, we are very disappointed that it is only a two-year funding line, and nothing has been addressed about what happens after that first two years. There is conjecture about how much of the sector that money will get to. We have received reports that it will be between 27 per cent and 40 per cent. It has created absolute division and anger within the childcare sector that some people will be getting a wage rise and others will not. The vast bulk of the submissions—99 in all—actually raised this as a key point.

Not only has it become divisive in the sector; it also became apparent very quickly from reading the submissions—because once again, owing to time lines, we were unable to have a public hearing—that the union, United Voice, has been in the workplace telling people that they must sign up to the union to qualify for the new wages deal. It is quite widely reported; they have been saying that each workplace must have in excess of 60 per cent of their workforce signed up to the union so they can negotiate the EBA on their behalf. I have a letter from the department which was sent to a union official advising them of the correct arrangements; but, to my understanding, the union has not been rebuked or pulled back into line. Further to that, there is an underlying tone of bullying in this. This House has recently been considering issues of bullying in the workplace and certainly this has been a case of bullying in the workplace. One particular owner-operator of a childcare centre had their house and their name identified and then were publicly—on the internet, at least—accused of not being able to understand what workers in this sector think. That is outrageous. Evidence was given about that to the committee, but we suppressed it because we did not want to draw attention to the individuals. It is outlandish and it should not be accepted.

So, because of the inequity and the fact that there is no future after two years for this funding arrangement, and because this has been debased by union interference in the workplace, the coalition members have recommended that, due to the time frame, equity and wage claim matters raised in this
report, the bill in its current form should not proceed at this time.

I would also like to make the case that we recognise that there are low-paid sections of the workforce, and that people have every right to pursue a better deal but there is a correct place and a correct mechanism with which to do this. That place and mechanism is within Fair Work Australia and the industrial provisions the government provided in its first term in office.

This new arrangement selects between 27 and 40 per cent of the workers within the sector—with no understanding, by the committee at least, about how that group will be selected. The minister at one stage said that it would be on a first-come, first-served based. The arrangements have very murky guidelines and there are indications coming from the union movement that workers must be union members to achieve the higher wages. So it is a bad deal. It smells. The fact that this is being used by the union to lift its membership, and this union is a very strong contributor to the ALP, causes great concern to the coalition members of the House of Representatives Standing Committee on Education and Employment; hence our recommendations.

Mr TUDGE (Aston) (10:22): by leave—
I was also a member of the House of Representatives Standing Committee on Education and Employment which inquired into these two important bills over recent weeks. I would like to make some brief comments in relation to the dissenting reports that we have put forward. I do not wish to replicate everything that the member for Grey has just eloquently said, but I would like to make some additional comments in relation to the two bills in question.

I will first turn my remarks to the Australian Education (Consequential and Transitional Provisions) Bill. The inquiry into this bill was quite an extraordinary process. And there was quite an extraordinary legislative process and policy development process to develop a new school funding model.

We were given this mandate to look at the Australian Education (Consequential and Transitional Provisions) Bill merely a week ago. That mandate was given to us from the parliament to inquire into some new amendments which were tabled and to provide some advice to this parliament as to how we should be dealing with these amendments and how they could be improved. Frankly, we had no real time to do a proper and thorough job. One week is not enough, particularly in the context of the fact that the initial inquiry into the Australian Education Bill, as the member for Grey pointed out, went for two months. But it was inquiring into nothing more than a press release—a seven-page document, with one of the clauses in that document saying that the bill as it was drafted would not have any legal impact.

We had spent two months travelling around the country inquiring into this bill that was not going to have any legal impact, but according to the objectives of the bill was going to be changing the world for schoolchildren around this country.

Then in the last sitting week, a little over a week ago, the government delivered 71 pages of amendments to that bill. As you well recall, Mr Deputy Speaker, that debate was guillotined after only two hours of debate. There were only two hours of debate for what is being billed as the most important changes to school funding in decades—and wrongly billed as that. With only two hours of debate, many people on this side of the House who are deeply concerned about the proposals did not get an opportunity to voice the concerns of their constituents, of the parents in their communities and of the school principals from their communities.
That was the context from which we were given this mandate as a committee to inquire into this bill, or at least to properly analyse, digest and assess what those 71 pages of amendments would mean. Bear in mind that was the first time that the entire sector had received these amendments. These 71 pages of amendments largely outlined the architecture of the new school funding model that the government was putting forward. But we had one week, and so we had no proper consultation. We did not even have the major state government departments present to us. We did not have the National Catholic Education Commission present to us. We did not have the parent councils present to us. We did not have the independent schools authorities give evidence and provide advice as to the merits or otherwise of these pieces of legislation. This committee process became a farce, and that is why we have made the recommendation in our dissenting report.

We cannot possibly support this bill through our committee process, given the time line and given that we did not have those opportunities to consult with the various stakeholders on this bill. Bear in mind that over three million students and the parents of those three million children are affected by this. Almost every Australian has a deep and abiding interest in how our schools are going to be funded and what new regulations are going to be put in place, and therefore the impact on their local schools and their local school communities.

I find this process particularly galling given that it has not been a two-month process to develop this new school funding model. In fact, it has not been just a two-year process. This has been a 13-year process for the Labor Party to develop an alternative school funding model. That is when this Labor Party first started to critique the SES funding system which the Howard government introduced in the year 2000. That is when the Labor Party started to critique it. They did not offer just mild critiques of that funding system. I will quote Stephen Smith, who was shadow education minister at the time. He said that ‘this SES funding system was the destruction of our egalitarian society’. That is what the Labor Party believed the present school funding model is, the destruction of our egalitarian society. This has been in place since the year 2000. Since that time they have had 13 years to develop an alternative school funding package. Yet they landed 71 pages of amendments a week ago and gave us two hours for debate. They did not give us time to consult with the sector and so we had a committee which only had a couple of days to inquire into it. They are now going to guillotine it through. I will not mention the person who moved that motion to guillotine it through. That is the context of this, but I should not mislead the House and confirm the record.

The Labor Party did have an alternative funding policy. They have put one up in the past. So I partially misled the parliament in saying that it has been 13 long years for them to develop one. They did put one up and at least they were honest about this. They put one up in 2004. In the 2004 election Mark Latham was the leader of the Labor Party and the Labor Party famously put up the hit list school funding policy. At least they had the honesty at the time to go to the electorate and say: ‘This is our policy. We don't like Catholic and independent schools and here is the list of 59 schools which we are going to cut immediately. And, by the way, in the details of that policy, every single Catholic and independent school will have their funding reduced over time, because we are going to introduce a lower indexation rate.’ At least they were honest and upfront about it at the time in 2004. I commend them for
their honesty. It was a dreadful policy and they rightly got trounced for that policy, but at least they were honest and upfront about it.

But that was 2004, the last time they put up an alternative school funding policy. It has taken until now for them to come up with an alternative, despite the current model supposedly being, according to their own words, the destruction of our egalitarian society. Then they drop the 71 pages of amendments just a week ago and railroad it through the parliament without any consultation with the sector. Then they give the reference to our committee to inquire into the 71 pages and shovel that through as well so that we cannot properly digest it and we are expected to make a recommendation to support it. It has been a disgraceful process in terms of the development of this new school funding model.

I will not say much more on that. I could go through some of the problems with the content of their new school funding model but, in the interests of time, let me briefly make some comments in relation to the second report, which is being delivered to the parliament today, which our committee developed. This concerns the Early Years Quality Fund Special Account. Again, the coalition members have delivered a dissenting members report here.

This bill which we are inquiring into has been, again, a rushed process on the eve of a dying government. We have considerable concerns in relation to this bill that has been put forward. It is ostensibly to support the wage increases of workers in the childcare sector. The objective itself we have no problem with. As the member for Grey said, people can make legitimate claims for wage increases and there is a process for doing that. They have that right to do it and we support them in that right.

But we have a number of key concerns with this particular bill. Firstly, there is the issue of equity, because the bill only covers at most up to 40 per cent of the childcare workers. So at least 60 per cent of childcare workers will not be the beneficiaries of this particular measure. Only 40 per cent at most will be beneficiaries of this particular measure. So what happens to the others? Why are they disadvantaged? Why should it only be 40 per cent of the childcare workers and not the other 60 per cent?

The second point that we are concerned about is in relation to the fact that the bill itself only lasts for two years. It is a special measure to get the Labor Party through this election and it provides two years of funding to that 40 per cent of the childcare sector workers. After those two years the money disappears. Is the expectation that those wages would drop after those two years? Is that the expectation, because we are given no details in relation to this? They are just putting two years of funding to supposedly boost the wages for those couple of years and then it disappears. So we have serious concerns about that. If you are actually serious about making a measure, it is not a two-year bill, it is not a two-year measure. Wages just don’t come for two years and then disappear. This is a nonsense.

The third and perhaps most substantial concern that we have in relation to this particular bill, which we inquired into as committee members, is that it just appears to be a deliberate mechanism to support the United Voice union membership drive and to shore up support for the Prime Minister in her difficult leadership struggles at the moment. That is what it seems to be about. This is costing the taxpayer $300 million and it is only given to childcare centres if they enter into enterprise bargaining agreements, which the unions have interpreted as meaning you must be a member of the union
to be eligible for this particular money. It is basically no ticket, no start—that is what this is about. It is purely a sop to the unions, who have been calling for this for some time, and the Prime Minister, because her leadership is under such grave threat, has delivered for that particular union so that it will support her. It has probably never crossed their mind, I say facetiously, that that union is a big financial supporter of the Labor Party as well.

As I said at the outset, people have the right to make legitimate wage claims. There are many low-paid workers out there and we would all like to see people's salaries go up. During the Howard years they did go up and they went up rapidly. In fact, I think the average person's salary went up by something in the vicinity of 15 per cent in real terms above and beyond inflation during the Howard era. That occurred because we had a strong economy, because there was productivity and because we had less regulation so that businesses could grow and everyone could be the beneficiary of it. We also have a process whereby people can make their wage claims, and that is through the Fair Work Commission. That is the proper way that you can make a wage claim and we support people who want to make wage claims to go through that commission. It is not the right way for the parliament to legislate in a side deal for union members for two years to get them through an election and then for the money to be cut. That is not the proper way. We know what this bill is about. We will not support this bill. We support the workers in the childcare centres. We support their right to call for higher wages, but this is not the way to go about it.

MOTIONS

Selection Committee

Mr MORRISON (Cook) (10:37): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Cook moving forthwith that the report from the Selection Committee meeting of June 18, 2013 at 5 pm be immediately tabled and reported to the House.

Earlier today I asked the Speaker when the Speaker intended to table the report of the Selection Committee before the House. She indicated that would be done after question time today in accordance with that process. At issue here is the fact that prior to that meeting yesterday the coalition sought to have the bill regarding the migration amendments to implement the 457 scheme referred to the Education and Employment Committee, which has just reported before this House. If the Selection Committee indeed has decided to refer that bill to the committee, then that bill cannot be debated in this place until that committee has considered that bill. What the government are trying to do is avoid parliamentary scrutiny of what is one of the most shameless attacks on skilled migrants that has come before this place, and it has been done at the behest of the union movement.

This motion and the reason why standing and sessional orders need to be suspended is to ensure that the government cannot ram their union driven attacks on skilled migration through this parliament over the last two sitting weeks of the 43rd Parliament. That is the intention of the government. Last night they tried this on and they were beaten in this House of Representatives. The government were defeated in the House when they tried to bring this on. One of the reasons they were defeated is that the minister for immigration, whose own bill this
was the subject of, could not be bothered even turning up for the vote that would see his bill put before it. This is a shameless attack on process in this House and it should not be allowed to continue, and standing and sessional orders should be suspended to allow that report to be tabled.

The SPEAKER: The member for Cook will resume his seat. I will just give some advice, though. The selection report has not been tabled. It is still privileged. Discussing the contents—

Mr Pyne interjecting—

The SPEAKER: I am clearly putting on record that it has not been tabled. The parliamentary secretary has the call.

Mr DANBY (Melbourne Ports—Parliamentary Secretary for the Arts) (10:39): I am not aware whether the coalition—

The SPEAKER: No, the parliamentary secretary does not need to get involved in that debate. The parliamentary secretary has the call.

Mr DANBY: I am not aware whether the gentleman has finished his remarks, so therefore I cannot move the suspension of his remarks, because I am not sure whether he has finished or not.

Mr Morrison: What's the motion? What's your point?

Mr DANBY: Are you halfway through or had you sat down?

Mr Morrison: What's the motion?

Mr DANBY: I move:

That the Member be no longer heard.

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

The House divided.

(The Speaker—Ms Anna Burke)

Ayes .................67
Noes ...................73
Majority ...............6

AYES

Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Crean, SF
D'Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Georganas, S
Gillard, JE
Grierson, SJ
Hall, JG
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Murphy, JP
O'Connor, BJ
Owens, J
Perrett, GD (teller)
Ripoll, BF
Rowland, MA
Rudd, KM
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Vamvakinos, M
Zappia, A

NOES

Alexander, JG
Andrews, KL
Bandt, AP
Bishop, BK
Briggs, JE
Bachholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG

CHAMBER
Mr Albanese: This is a serious issue. You are not in charge.

The SPEAKER: The member for Sturt will resume his seat. The Leader of the House on a point of order.

Mr Albanese: It is a serious point of order. It goes to whether there has been a breach of privilege of this parliament with regard to—

Honourable members interjecting—

Mr Albanese: Sit down.

The SPEAKER: The member for Sturt will resume his seat. The Leader of the House.

Mr Albanese: It goes to the issue of whether there has been a serious breach of privilege due to the comments—

Mr PYNE: Then raise it as a breach of privilege after the debate.

The SPEAKER: The member for Sturt, if he allows the Leader of the House to finish, will get there. The Leader of the House has the call.

Mr Albanese: The member for Cook in his comments last night and again in his comments today would clearly indicate that there has been a breach of privilege and I ask you, Speaker, for your guidance on how to deal—

Mr Morrison interjecting—

The SPEAKER: The Leader of the House will resume his seat. The member for Cook will withdraw.

Mr Morrison: I withdraw.

The SPEAKER: The member for Sturt will resume his seat. As I have already indicated, I have grave concerns already about privilege and this issue. I also have grave concerns about the process of the Selection Committee, which has run successfully in this parliament, now being tampered with. As Speaker, I have already
expressed my concerns and the tabling of the report is in accordance, as I indicated this morning, with the procedures adopted at the beginning of this parliament and to some—

Honourable members interjecting—

The SPEAKER: No. I am saying you are politicising what had been a selection process and I am expressing that concern, but I am allowing you to continue with the suspension. I am noting my concern, which I do not believe is outrageous at all but something a Speaker should have the right to do. The member for Sturt has the call.

Mr PYNE: Speaker, I certainly would not want to reflect on the chair so I will not comment on your contribution to the debate.

Government members interjecting—

Mr PYNE: I did not reflect on the chair. I said I would not reflect on the chair by commenting on her contribution to the debate, which is not a reflection on anyone, so stop your faux outrage and allow the debate to continue.

Mr Billson interjecting—

The SPEAKER: The member for Sturt will resume his seat. The member for Dunkley might want to reflect on that remark. The Leader of the House has the call.

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (10:55): I move:

That the member be no longer heard.

That the Member be no longer heard.

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

The House divided. [10:59]

(The Speaker—Ms Anna Burke)

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Mr MORRISON (Cook) (11:06): I move:

That so much of the standing and sessional orders be suspended to enable the Member for Cook to move the following motion:

That the House not consider Government Business order of the day No.1, the Migration Amendment (Temporary Sponsored Visas) Bill 2013, until such time as a:

(1) full research report is completed on the true incidence and nature of abuses and non-compliance within the 457 visas program, in comparison to other programs, by the Department of Immigration and Citizenship to substantiate the requirement for the measures proposed in the bill;

(2) full consultation program with industry and other stakeholders has been conducted by the Department of Immigration and Citizenship on the impacts of the measures contained in the bill; and

(3) regulatory impact statement has been completed by the Government in relation to Schedule 2 of the bill relating to the proposed labour market testing regime as required by the Office of Best Practice Regulation and submitted to the Parliament.

The government is seeking to ram through this Migration Amendment (Temporary Sponsored Visas) Bill 2013 for the unions before the election.

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

Opposition members interjecting—

The SPEAKER: Order! The member has the right to raise a point of order! The member for Cook does not have the call; the Leader of the House does.

Mr Albanese: Thank you, Speaker. This is the second attempted suspension of standing orders in a row. In the past it has been ruled by previous Speakers that where there are consecutive suspensions of standing orders in order to disrupt the parliament, it has been regarded as disorderly conduct. Given the state of the parliament in our last sitting days and the amount of business that is before the parliament, I fail to understand what is motivating the member for Cook in moving this motion. The fact is this legislation was introduced in the normal way and is being dealt with in the normal way.

The SPEAKER: The Leader of the House will resume his seat. Yes, it is a consecutive suspension, but it is a different motion. The member for Cook has the call.

Question negatived.
Mr MORRISON: Thank you, Madam Speaker. The point of this motion is to suspend sessional and standing orders to prevent this bill being debated in this parliament because the government has not consulted, it has not done its homework. It is making up claims about abuses in the system: 10,000 abuses, the minister has said, and he has had to openly admit that he just completely made it up. That is the basis for the bill that is coming before this parliament at the behest of the unions. Just how much more union business do you want to get into this parliament?

Mr Albanese: Deputy Speaker, I rise on a point of order. The member for Cook is casting aspersions on the minister. He is not allowed. During a suspension of standing orders, he must discuss why standing orders should be suspended. He has not mentioned one word about that, and he is out of order.

The DEPUTY SPEAKER (Ms K Livermore): The member for Cook has the call.

Mr MORRISON: Standing and sessional orders should be suspended because the government is seeking to ram a union driven bill through this parliament in the last days of the 43rd Parliament. This bill has not been subject to the proper consultation and processes necessary for this House to consider it, and the government is seeking to ram through things on behalf of the unions.

Mr Albanese: Deputy Speaker, I rise on a point of order. Standing order 90, Reflections on Members, indicates: All imputations of improper motives to a Member and all personal reflections on other Members shall be considered highly disorderly. The member for Cook has reflected on the motivations of the minister who has brought this legislation before the parliament.

Mr Pyne interjecting—

Mr Albanese: The Manager of Opposition Business has just indicated, again, that the member for Cook is being disorderly—

Mr Pyne: No, I said that you were being disorderly!

Mr Albanese: by pointing out that he is putting forward the argument. He must stick to why standing orders should be suspended, and he must withdraw the reflection on the minister. He should withdraw.

The DEPUTY SPEAKER (Ms K Livermore): I thank the minister. I ask the member for Cook to withdraw, as requested by the minister.

An opposition member: Withdraw what?

Mr MORRISON: To assist the House, I withdraw, Madam Deputy Speaker.

The DEPUTY SPEAKER: I appreciate that. The member for Cook will confine his remarks to the motion.

Mr MORRISON: Let me table, for the benefit of the House, the open letter to members of this parliament from the Australian Industry Group, the Business Council of Australia and the Migration Council of Australia, which have refuted the claim made up by the minister about 10,000 abuses of the system. It says:

We are greatly concerned by the lack of supporting evidence, damaging rhetoric and poor process … This is why standing orders need to be suspended—because process and consultation have not been followed.

The DEPUTY SPEAKER: The member for Cook will resume his seat. He is still not speaking to the motion to suspend the standing orders.

Mrs Bronwyn Bishop: This is vexatious!

Mr Albanese: There is some element of irony in those opposite objecting to points of
order being made, but nonetheless this is a motion to suspend standing orders and the member for Cook—

_Mrs Bronwyn Bishop interjecting—_

**The DEPUTY SPEAKER:** Order!

_Mrs Bronwyn Bishop:* What is your point of order?

**Mr Albanese:** You never got to be Speaker, Bronwyn.

**The DEPUTY SPEAKER:** The minister has the call and will address his point of order.

**Mr Albanese:** The member for Cook must address why standing orders should be suspended.

_Mrs Bronwyn Bishop interjecting—_

**Mr Pyne:** He is. This is a vexatious point of order.

**Mr Albanese:** Further to my point of order, under standing order 65, Deputy Speaker, while I have been giving my point of order, the member for Mackellar has continued to interject and throw slurs across the chamber, as has the Manager of Opposition Business. Both of them clearly want to be Speaker—and there have been opportunities to put themselves forward before now.

**The DEPUTY SPEAKER:** Order! The minister has made his point of order. The member for Cook will continue addressing the motion before the House.

**Mr MORRISON:** Madam Deputy Speaker, as I was saying: standing and sessional orders need to be suspended in order to ensure that this government—

**Mr ALBANESE** (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (11:15): I move:

That the Member be no longer heard.

**The DEPUTY SPEAKER:** The question is that the member be no longer heard.
The House divided. [11:19]

(The Speaker—Ms Anna Burke)

Ayes: 64
Noes: 71

Majority: 7

AYES

Adams, DGH  Albanese, AN
Bird, SL  Bowen, CE
Bradbury, DJ  Brodman, G
Burke, AS  Butler, MC
Byrne, AM  Champion, ND
Cheeseeman, DL  Combet, GI
Crean, SF  Danby, M
D’Ath, YM  Dreyfus, MA
Elliot, MJ  Ellis, KM
Emerson, CA  Ferguson, LDT
Ferguson, MJ  Fitzgibbon, JA
Georganas, S  Gibbons, SW
Gray, G  Grierson, SJ
Griffin, AP  Hall, JG
Husic, EN  Jenkins, HA
Jones, SP  Kelly, MJ
King, CF  Leigh, AK
Livermore, KF  Lyons, GR
Marles, RD  McClelland, RB
Melham, D  Mitchell, RG (teller)
Murphy, JP  Neumann, SK
O’Connor, BPJ  O’Neill, DM
Owens, J  Parke, M
Perrett, GD (teller)  Plibersek, TJ
Ripoll, BF  Rishworth, AL
Rowland, MA  Roxon, NL
Rudd, KM  Saffin, JA
Shorten, WR  Sidebottom, PS
Smith, SF  Smyth, L
Snowdon, WE  Swan, WM
Symon, MS  Thomson, KJ
Vamvakrou, M

NOES

Hartsuyker, L  Hawke, AG
Hockey, JB  Hunt, GA
Irons, SJ  Jensen, DG
Jones, ET  Keenan, M
Kelly, C  Laming, A
Ley, SP  Macfarlane, IE
Marino, NB  Markus, LE
Matheson, RG  McCormack, MF
Mirabella, S  Morrison, SJ
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
Scott, BC  Secker, PD (teller)
Simpkins, LXL  Slipper, PN
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

Clare, JD  Forrest, JA
Collins, JM  Somlyay, AM
Garrett, PR  Bishop, Ji
Gillard, JE  Abbott, AJ
Hayes, CP  Schultz, AJ
Macklin, JL  Moylan, JE

Question negatived.

The SPEAKER (11:26): Is the motion seconded?

Ms GAMBARO (Brisbane) (11:26): I second this motion. This bill is based on a false premise. It is based on the fact that the minister has made up the number of rorts in order to run down the 457 program.

The SPEAKER: The member for Brisbane will resume her seat!

Mr Albanese: Firstly, under standing order 90, the member must withdraw that allegation against the minister.
The SPEAKER: The member for Brisbane could withdraw for the assistance of the House and to progress.

Ms GAMBARO: Speaker, I withdraw.

The SPEAKER: I thank the member.

Ms GAMBARO: But the bill is still based on a false premise on the number of supposed rorts—

The SPEAKER: The member for Brisbane will resume her seat. The Leader of the House?

Mr Albanese: Speaker, this is a suspension of standing orders. The member must address why—

The SPEAKER: Leader of the House will resume his seat—and the individuals around will desist from assisting the chair! The Leader of the House.

Mr Albanese: The member must address why standing orders should be suspended and not address the substance of the motion.

Mrs Bronwyn Bishop interjecting—

Mr Albanese: I ask that that be withdrawn by the member for Mackellar.

The SPEAKER: The Leader of the House will resume his seat. The member for Mackellar will withdraw!

Mrs Bronwyn Bishop: I withdraw.

The SPEAKER: I thank the member. The member for Brisbane has the call and must address the motion before the House.

Ms GAMBARO: Standing and sessional orders should be suspended because the premise on which the bill is brought into the House is that no research has been done on the particular incidences and nature of abuses. A full consultation with industry and other stakeholders has not occurred by the Department of Immigration and Citizenship, and a regulatory impact statement has not been brought into the House—

The SPEAKER: The member for Brisbane will resume her seat!

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

That the Member be no longer heard.

The question is that the member be no longer heard.

Mr Albanese interjecting—

Mrs Bronwyn Bishop interjecting—

The SPEAKER: Order! The Leader of the House! People should be aware that in the middle of a division making comments is even more dubious than when we are actually in the normal process. The Leader of the House.

Mr Albanese: I would ask the member for Mackellar to withdraw.

Mrs Bronwyn Bishop: What have I got to withdraw this time? I said the woman was never allowed—

Mr Albanese: That is not what you said.

Mrs Bronwyn Bishop interjecting—

The SPEAKER: Order! The member for Mackellar! I did not hear the comment. I am not going to ask the member for Mackellar to withdraw, but I will remind people that reflections on members are highly inappropriate. The question is that the member be no longer heard.

The House divided. [11:34]

(The Speaker—Ms Anna Burke)

Ayes ......................63
Noes ......................71
Majority...............8

AYES

Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Crean, SF

Albanese, AN
Bowen, CE
Brodman, G
Butler, MC
Champion, ND
Combet, GI
Danby, M

CHAMBER
AYES

D'Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Georganas, S
Gray, G
Griffin, AP
Husic, EN
Jones, SP
King, CF
Livermore, KF
Marles, RD
Melham, D
Murphy, JP
O'Connor, BPJ
Owens, J
Pilibber, TJ
Rishworth, AL
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, KJ
Zappia, A

NOES

Dreyfus, MA
Ellis, KM
Ferguson, LDT
Gibbons, SW
Grierson, SJ
Hall, JG
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG (teller)
Neumann, SK
O'Neill, DM
Perrett, GD (teller)
Ripoll, BF
Rowland, MA
Rudd, KM
Smith, SF
Snowdon, WE
Symon, MS
Vamvakianou, M

ROBERT, SR
Ruddock, PM
Secker, PD (teller)
Slipper, PN
Somlyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Wilkie, AD
Wyatt, KG

Roy, WB
Scott, BC
Simpkins, LXL
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ
Windsor, AHC

PAIRS

Clare, JD
Forrest, JA
Collins, JM
Griggs, NL
Garrett, PR
Bishop, JT
Gillard, JE
Abbott, AJ
Hayes, CP
Schultz, AJ
Macklin, JL
Moylan, JE

The SPEAKER (11:40): The time for debate has expired.

BILLS

Migration Amendment (Temporary Sponsored Visas) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr MORRISON (Cook) (11:40): I rise reluctantly now to speak on the Migration Amendment (Temporary Sponsored Visas) Bill 2013, given that the government has now forced this bill on this parliament, having had a majority of members of this place—albeit a simple majority, not an absolute majority—seek to prevent that and allow this bill to go through a proper process of consultation, for a regulatory impact statement to be provided and for there to be the research that is necessary to establish whether the premise of the bill is correct and there is indeed the problem that the government seeks to assert. The government having used its minority numbers to prevent
the absolute majority required in the recent votes, we will now debate this bill.

This bill is an attack on those who come to Australia the right way to divert attention from this government’s failure to do anything about those who come the wrong way, illegally by boat, which continues at record levels. These measures are designed not to improve the 457 skilled migration program, which is so important to this country, but to choke that program at the behest of the unions, choking the scheme with union red tape. This bill—and the reckless rhetoric of the Prime Minister and the Minister for Immigration and Citizenship and those from that side of the House who also decided to join in—ends decades of bipartisan support for skilled migration in this country. It goes against the grain of our immigration tradition.

A few months ago, prior to February, there was a minister for immigration who actually supported skilled migration. That all changed when Minister Bowen was removed from that portfolio and replaced with Minister O’Connor. One of the things that changed on that day was that the union movement got hold of immigration policy in this country. The bill before the House today is proof of that, because prior to that time the previous minister was engaged in a very sensible process through the skilled migration advisory council that had received recommendations from the Department of Immigration and Citizenship that required only routine housekeeping measures that would have assisted with the administration of that scheme. The vast majority, if not all, of those measures could have been introduced by regulation, none of which substantially required legislation at all.

But what happened in February was that the Prime Minister and the minister for immigration decided to go and attack skilled migrants in this country. Of all places, they decided to do it in Western Sydney, where there are thousands upon thousands—tens or hundreds of thousands—of people who have come to this country as skilled migrants or are the second or third generation, or fourth generation indeed, in the families of skilled migrants who came to this country.

It is bad enough that this government has failed so badly on our borders and allowed people to come willy-nilly and illegally enter this country, and that the government is in denial about it. The communities in this country who, frankly, are so offended by this government’s failure on our borders are those communities who came to Australia the right way. What the government is saying in this bill is that it has a problem with those who come to Australia the right way but it has no problem, it would seem, with those who come the wrong way. That is what sits at the heart of what we see here, and it is even seen in the way that these bills have come before this parliament.

The Minister for Immigration and Citizenship, in particular, and the government, sat on their hands while an important bill that had been supported by the coalition on this side of the House in November of last year to excise the Australian mainland—which was one of the recommendations of the Houston panel—wasted away up in the Senate until the opposition had to force the government to actually go and act on that bill. So on a matter of border security the government is happy to do nothing for months and months on end when it comes to matters that come before this House and the other place. But when it comes to their union mates they cannot get a bill into this place fast enough and seek to ram it through at every opportunity, even in the dying days of this 43rd Parliament. No request from the union movement to this government is too small.
for them to act upon, as if it was the most urgent issue facing the nation, because this is a government which have completely sold out to the demands of the union movement in the area of immigration policy and engaged in this grubby attack on skilled migrants to this country. They should be ashamed of themselves.

This bill has been strongly criticised by employers, industry groups, the Migration Council of Australia and labour market experts, including the government's own advisers, who have universally indicated there is no evidence, including from the Department of Immigration and Citizenship, to support the suggestions of alleged widespread rorting by the minister. Labor are attempting to ram this through in what is nothing less than an attack on skilled migrants and, frankly, an insult to the tradition in this country which is seen at its best in projects like the Snowy Mountains Scheme and the Warragamba Dam, which were built by skilled migrants. Their descendants who now live across Australia, and particularly in western Sydney, are now the targets of the government's rage when it comes to matters on migration, rather than the smugglers who support them and those who come illegally to this country.

Labor continues to belittle and demonise people working as overseas workers here in Australia. It is a grubby thing that this government is doing through this bill, when an alternative path which was being pursued by the previous minister for immigration was the more sensible, the more adult and the more responsible route. That was something that the coalition would have supported but instead we get this. That is why the coalition will not be supporting this bill.

The coalition has serious concerns about this bill, not the least the fact that it has no regulatory impact statement for schedule 2. There has not been proper consultation. This bill contains this bizarre back-to-the-future attempt to reintroduce labour market testing which operated from 1996 to 2001 and was found, independently, to be ineffective, costly and a significant delay to employer recruitment action. An important program was doing a good job. A measure that the government seeks to introduce was found not to be helping that task and it was abolished. But most concerning is that the bill is based on a false premise. The government, and the minister in particular, have completely made up the numbers regarding widespread rorting and abuse of the 457 program. From the outset we have said to the government, 'Present your case, show us the research, give us the numbers, demonstrate how this area of the migration program has been subject to anything more than the types of regular abuse you would expect under any other scheme.' The answer has been silence—with crickets—because there is nothing there. This is nothing more than jumped-up rhetoric for the Prime Minister to try and deflect attention from her woeful administration and oversight in her government of Australia's immigration program, particularly in relation to the integrity of our borders.

The measures contained in this legislation require a parliamentary inquiry, and that is something we have been seeking. I hope that will occur, but this bill should never have been debated if this matter had been referred to a committee for that purpose. This is not an attempt by a responsible government to finetune a working program. This is an attempt to choke a program. Instead, this bill is classic union overreach put in place by a minister dominated by union masters to do the bidding of the unions before the election because Labor needs the cash of the unions.

This bill seeks to introduce a number of additional compliance and onerous
enforcement measures. These changes represent a major additional regulatory burden on business—more union red tape. Over 18,000 additional regulations have been introduced by this government on business and the community in this country since they have sat on that side of this chamber. Is it any wonder why businesses are struggling with innovation and competitiveness when they are spending all of their time being compliance officers for a regulatory-hungry Labor government? That is what happens.

This government think they are the answer to every problem, and they have solved not one of them. Yet they still think the answer is more labour regulation. On every occasion the answer is more labour regulation. Well, it is not the answer. It is not the answer in this matter and it is not the answer in so many of the other matters where this government has sought to force increased regulation on businesses and the community in this country. Whether it is the charitable sector or whether it is the business sector, there is never too much regulation for those of the Labor Party and those who sit on that side of the fence.

The Prime Minister has exempted this bill from a regulation impact statement for unspecified exceptional circumstances, with no substantiation of that. There is no explanation of that. Well, here is the explanation—the unions want it, she is going to do it for them and that is why this bill is in this place. That is why process has been set to one side because this Prime Minister is not prepared to count the cost of this measure. She does not want to know what the cost is. She just wants to do it for the union movement because that is who the true sponsors of this bill are. It is not clear exactly what those exceptional circumstances are, other than what I have just said. But certainly it is exceptional that a Prime Minister's enthusiasm to trash-talk skilled migration and demonise 457 visas and damage our international reputation on these matters is entirely regrettable.

Demographer Professor Peter McDonald, who was a member of the government's Ministerial Advisory Council on Skilled Migration, and arguably Australia's finest demographer, has labelled the Prime Minister's rhetoric on this matter 'nasty'. Those are his words, not mine. Those members opposite, when they go out into their electorates after this sitting fortnight, can explain these nasty measures to those skilled migrants who have come under the 457 program and are now contributing—as they always have been since day one—citizens of this country, why this government has such a problem with them and why they think the scheme that brought them to this country should now be choked off by these measures.

Labor's attack on skilled migration is nothing more than a desperate distraction. The bill requires further investigation into the regulatory impact these changes will impose on Australian business and industry, labour market efficiency and business productivity. We have sought to refer this matter to committees to ensure there are no adverse impacts arising that would prohibit business from accessing the skilled labour they need to support Australian jobs and investment.

This is nothing more than unsubstantiated assertions from the government that sits behind this bill. The first of those is the 10,000 rorts claim by Minister O'Connor. He simply made it up. He pulled it out of thin air mid-interview. There is no substantiation for this figure of 10,000 457 visa rorts. This minister is the boy who cried rort on this issue. He has been unable to substantiate his outrageous claims. When asked at a Senate
inquiry on this matter, Dr Wendy Southern, a senior official of the Department of Immigration and Citizenship, the deputy secretary of the policy and program management group—a highly respected public servant, I add—stated:

We certainly did not provide advice around a number of 10,000.

His own department has completely disowned him over these baseless claims he is making.

So where did the figure come from? The minister said later he made it up and was forced to backtrack. Department officials admit that, the very next day after the interview where the minister made up this claim, they had discussions with the minister 'around clarity'. When officials were asked what made the minister change his mind, DIAC's first assistant secretary of the migration and visa policy division, Mr Kukoc, said:

I am not in a position to provide advice in terms of what guided the minister to talk about that number.

I am not surprised. The minister cannot even talk about what led him to talk about that number. Mr Stephen Bolton, senior adviser in employment, education and training at the Australian Chamber of Commerce and Industry, gave evidence to a Senate hearing committee:

Never, to my knowledge, has a figure so high been raised.

... ... ...

There has never been any evidence given at any of the formal feedback structures that we participate in, or indeed our informal conversations with the department, of widespread abuse to the level claimed by the minister.

Mrs Anne O'Donoghue of the Law Council of Australia described it as 'an exaggeration of the situation'. Ms Angela Chan, National President of the Migration Institute of Australia, said:

We would only have the information that is provided through DIAC, and the statistics do not support either a 10,000 rort or a 100,000 rort.

When asked during the Senate inquiry into framework and operation of subclass 457 visas, enterprise migration agreements and regional migration agreements, not even Labor's union mates were able to save the day and produce raw data to back up the minister. Tony Sheldon, a well-known employer of 457s—almost as famous as the Prime Minister's own efforts in this area—has received just 24 complaints about 457 visas over the last two months since the federal Labor government began this smear campaign. They had received no specific complaints in the previous 10 months. Moreover, the TWU had not reported those 24 allegations to the Department of Immigration and Citizenship. Meanwhile, the ACTU claimed they had received allegations of rorting relating to around 150 individual cases. That is well short of the 10,000. The government was short by two votes on a vote last night. That is a much closer margin than this one. They said:

The usual practice is for the ACTU to refer complaints to the relevant union to follow up or to refer the visa holder to DIAC—but would not say how many cases the union had actually passed on. They just said referrals happened 'where appropriate'. That is in spite of Mr Kukoc's testimony at estimates that 'the obligation is on the unions, if they have come across evidence, to pass that on to the department that is responsible for compliance in that area'.

Clearly, there is no evidence to back up the minister's claim of 10,000 rorts. Not even unions have been able to help the minister draw that long bow, but that has not stopped Labor from embarking on a shameful campaign to attack skilled migrants through
their rhetoric and through the measures in this bill. This is a blatant area of hypocrisy. On 9 March 2012, Minister Bowen issued a press release that stated:

Skilled migrants deliver major benefits to the Australian economy in terms of contributing to economic growth and offsetting the impacts of an ageing population.

… … …

We know these workers can do the job and are ready to make a commitment to Australia …

Mr Bowen was right. He said on 10 May 2011 we need to ensure 'migration is shaped by Australia's economic needs, and the temporary business 457 visa is a key pillar in this approach.' They are the words of the former Minister for Immigration and Citizenship. He said:

The 457 visa program has proved to be highly responsive to labour market conditions.

On 3 September 2012, the minister said:

The subclass 457 visa allows businesses to employ overseas workers for up to 4 years in skilled occupations only.

… … …

The program cannot be used by a business as a substitute for training and employing Australian workers.

The Sunday Mail in Brisbane reported on 20 January 2013 a comment attributed to a spokesperson for immigration minister Bowen:

The government's first priority is always ensuring jobs for Australian workers. The 457 visa program is designed to address genuine labour shortages that cannot be met from the Australian labour market and we believe we have this balance right.

That was the offering from the minister's office on this matter. The minister's spokesperson went on to say it would be 'irresponsible' to shut down the 457 visa program, but that is the intent of these measures. They are union red tape designed to choke a skilled migration program that has delivered for Australia. You should be ashamed of yourselves.

Minister Burke, another cabinet minister, told The Australian Financial Review on 30 March, 'When there are genuine skills shortages, employers are able to quickly recruit temporary overseas workers to fill skills gaps and keep the economy growing.

This bill is based on a completely false premise. The government has been unable to substantiate this bill. That is why I move the following second reading amendment to the bill:

That all words after "That" be omitted with a view to substituting the following words:
"consideration of the bill not be concluded by the House until a:
(1) full research report is completed by the Department of Immigration and Citizenship on the true incidence and nature of abuses and non-compliance within the 457 visas program in comparison to other programs to substantiate the requirement for the measures proposed in the bill;
(2) full consultation program with industry and other stakeholders has been conducted by the Department of Immigration and Citizenship on the impacts of the measures contained in the bill; and
(3) regulatory impact statement has been completed by the Government in relation to Schedule 2 of the bill relating to the proposed labour market testing regime as required by the Office of Best Practice Regulation and the statement be submitted to the Parliament."

Madam Deputy Speaker, the amendment is seconded. The value of the 457 program is significant to this country and you do not go and choke it through the measures that this government has proposed here without having done your homework. Given that the government is not prepared to do that, despite our calls for them to do that since February-March this year, this parliament should do the work for them. That is why
this second reading amendment is important. The government has not brought forward the evidence, the regulatory impact statement, and undertaken the consultation that is necessary to justify or allow this House or the other place to consider the measures that are put forward in this bill, so this amendment is demanding that the government do that homework.

We see so often in this place with this government's 'ready, aim, fire' approach to legislation how often they get it wrong. Just last night in this place we were debating another bill where the government had so badly got it wrong the first time they had to bring in amendments last night to clean up their earlier mess, despite the fact the coalition had pointed them out to them at that time. We are doing it again here. We are saying: 'You have not thought this through, you have not done the consultation, you have not substantiated your case, you have not done what even this parliament requires in terms of process.' And you have not completed the regulatory impact statement because, as I said before, I suspect you just do not want to know.

The government does not want to know because there is one agenda here, and that is: 'Let's ram this through before the election because that is what our union mates want.' And when that is on the agenda, this government drops everything. That is what gets them moving. Perhaps we should get the unions to encourage them to stop the boats, maybe they will do something about it then—because when the unions want them to do this they can't move quickly enough!

As at 30 April 2013, there are 108,810 primary 457 visa holders in Australia. That is less than one per cent of the Australian workforce, despite the fact that that is a 20 per cent increase on the same number of 457 visa holders in Australia at this time last year. The 457 visa program is the dominant component of Australia's temporary skilled migration program. It is designed to provide a swift response to changes in demand for skilled and semiskilled workers where that demand cannot be met from within the Australian workforce. 457s are coalition policy: we designed them, we introduced them. They are a successful part of our very successful skilled migration program, which at least on this side we still believe in. We still stand by skilled migration. Those decades of bipartisanship on that issue vanished in February when the government went on this attack on skilled migration. 457 visa holders pay their own way; they make a contribution from day one. They are exactly the sort of migrants that we want to come to this country and should encourage. They even pay their own healthcare costs. They do not have access to welfare and in my home state they even pay to send their kids to public schools.

Research has shown that temporary skilled migration and 457 skilled migration visas are vital to the operation of the Australian labour market delivering significant economic benefits to the economy and the living standards of all Australians. 457 skilled migration visas have been vital in meeting skill shortages in regional locations and are an important component of state and territory migration plans for occupations such as doctors and nurses in regional Australia.

A government member interjecting—

Mr MORRISON: These are the people who are coming—doctors and nurses to support the health system in regional Australia. Apparently they are the ones we have to stop. Health care and social services accounted for 10 per cent of 457 visas granted so far in 2012-13 across the country. By contrast, mining accounted for just 6.6
per cent and has actually declined by 24½ per cent compared to last year. The great majority of 457 visas issued today are for people in higher skills occupations, such as accountants, managers, engineers, ICT professionals, doctors and nurses, where there is—as far as I am aware, and certainly the minister cannot put anything forward to substantiate anything different—little, if any, evidence of any abuse in the program.

The top five citizenship countries for applications granted to May 2012-13 were: India, with 22,170 grants; the United Kingdom, with 20,520; Ireland, with 8,680; the Philippines, with 6,690; the United States, with 5,830; and China, sixth, with 5,350. This is a program that is working well. According to Access Economics estimates, the 90,120 entrants on 457 visas in 2010-11 will generate $2.2 billion over three years or more and $27,000 each.

The members for, say, Parramatta, Reid and Greenway may want to explain to the large segments of their electorates where there is a substantial Indian community why this government is saying that 457 holders are visa rorters and abusers, given that one in five 457 visas are held by people of Indian citizenship and the highest rate of growth in 457s is for people of Indian citizenship. The minister's claim has been: 'We know they're rorting because the number of claims and applications is growing and they're growing faster than the rate of employment.' The community of people who are applying for 457s, who have one in five of the 457s given and have the highest rate of growth of 457s are people of Indian citizenship. So who are you claiming are rorting the system? Sorry, through you, Madam Deputy Speaker, I ask: who is the government claiming these 10,000 rorters are? Given that one in five are people of Indian citizenship, is that what they are suggesting? If they are, they should come clean about it, be honest and explain that to the people of their electorates, who know.

Ms King: I rise on a point of order, Deputy Speaker. I remind you that the member should address members by their proper title.

The DEPUTY SPEAKER: I will ask the member to observe that standing order.

Mr MORRISON: This is a program that delivers for Australia. These are people who come to this country to contribute from day one, whether they are of Indian nationality, of Chinese nationality or of Filipino nationality. They come and they work and they contribute, and the vast majority increasingly go on to be permanent residents of this country. I can think of no better migrant to Australia than one who comes via this program, one who comes on a 457 and offers their skills, and for four years demonstrates their capacity to contribute and then applies for permanent residence and goes on to citizenship. The rate of unemployment of people in the employer-sponsored permanent migration program and those who come through 457s is 0.5 per cent. That is the achievement. Not only that, they add value by the skills they bring to the country and the transfer that takes place.

That occurs in other countries as well. I refer the House to a paper by the American Enterprise Institute for Public Policy Research and the Partnership for a New American Economy. They found that two primary categories of temporary foreign workers in the US are associated with strong job creation for Americans. The study found that states with greater numbers of temporary workers in the H1B program for skilled workers and the H2B program for less skilled nonagricultural workers had higher employment amongst US natives. Adding 100 H1B workers created additional 183 jobs.
for US citizens; adding 100 H2B visa class workers created 464 jobs for Americans.

This program creates jobs for Australians. It brings the skills that enable business to continue. How many jobs do you think Australians get if the business closes? That is the question I pose through the Deputy Speaker to the House. How many jobs do you think are going to be there if businesses go bust because they cannot get the people they need to meet the contracts and commitments they have?

But what this government is doing through this measure is seeking, at the behest of the unions, to tie this matter up in union red tape and to choke this program's contribution to Australia. It chokes the appreciation that we have of the contribution of skilled migrants to this country. The members on that side of the House should be ashamed of this measure. Bipartisanship ended on skilled migration the day that this Minister for Immigration and Citizenship came into office and handed control of the migration policy of this country to the unions. Bipartisanship ended on that day.

The coalition stands by skilled migration. It stands by the contribution of the thousands and millions of skilled migrants who have built this country, and we stand here in support of them in opposing this bill by a government that is trying to ram things through for their union mates. They have not done their homework. They refuse to do their homework. They are trying to rush this through in the last, dying two weeks of this parliament as a bid to pay off their union mates before the election is held. (Time expired)

The DEPUTY SPEAKER: Is the amendment seconded?

An opposition member: The amendment is seconded.

The DEPUTY SPEAKER (Ms O'Neill): The original question was that this bill be now read a second time. To this the honourable member for Cook has moved as an amendment that all words after 'That' be omitted with a view to substituting other words. The question now is that the words proposed to be omitted stand part of the question.

Debate adjourned.

Leave granted for second reading debate to resume at a later hour this day.

PARLIAMENTARY REPRESENTATION

Valedictory

Ms GRIERSON (Newcastle) (12:11): on indulgence—Delivering a valedictory speech is a unique experience. Doing justice to 12 years as a member of the Commonwealth Parliament of Australia in a brief speech—not too brief—may be impossible. But what a privilege to have the opportunity to try. I have observed a few valedictories in my time and I have learnt two things: have the tissues ready and thank those you love most early before emotions overwhelm.

So first I thank my mother, the wonderful Patricia Martin, who is watching from her lounge room. Mum, you are amazing. Thank you for your ongoing love and your support. And to my two beautiful daughters, Amy and Jill, who cannot be here today but who celebrated with me recently in a special intimate dinner, to you both: look out for a mother coming your way more often. You have both always told me how proud you are of what I do, and I want to say how proud I am that I have two wonderful daughters who look beyond the surface for truth and reality and who are always guided by values of social justice and equity. Your insights have made my contributions more real and I thank you both dearly.
To my very special friends, Larry and Barbara Greentree, Alan Chawner and Carol Carter, Philip Pollard and Leigh Kearney, Dawn and Graham Mullane, Paul O’Grady and Brian Cogan, and my predecessor, Allan Morris: I could not have done it without you.

To the other many close friends, caring neighbours, supporters and advisers—especially the nuts, and they will know who they are—who readily helped me along the way, thank you.

I recall my first speech in this chamber. For the first time in my life my legs shook uncontrollably. To be here, a proud daughter of the noble working class as an elected representative of the people, was entirely humbling and very moving. And that is how it should be always for everyone who comes here. No matter who you are—your background, your family, your associations, your prior achievements—there should never be a sense of entitlement. There should only ever be a sense of enduring gratitude, duty and loyalty to this great nation that we represent.

In that first speech I pledged my dedication to prospering the community of Newcastle. And prosper we have under a federal Labor government, with more than $2½ billion of investment into our infrastructure and our community, investment sorely needed after a decade of neglect under the conservative Howard government. In that speech I mentioned the potential that could flow from locating the new CSIRO Energy Technology headquarters in Newcastle. That potential has been realised under a federal Labor government. CSIRO Newcastle will guide the electricity sector to make an estimated $240 million-worth of decisions in the next two decades, decisions that CSIRO predicts could involve 20 different energy sources and different technologies and require advanced capacity to design the most efficient, low-emissions electricity grid for Australia. This world-leading research builds on our Smart Grid, Smart City program in Newcastle and on the work of CSIRO under ARENA to develop the best possible solar forecasting for the Australian electricity system.

Add those initiatives to the bid by local industry in partnership with local research institutes for Newcastle to be an energy industry innovation precinct, and you begin to understand the vision of Labor governments and the nation building only we pursue. How good is that?

Twelve years ago I talked about the Port of Newcastle as a major driver of our region's economy. The largest exporter of coal in the world, our port now handles more than 40 commodities and over $20 billion in trade annually. Yesterday, the New South Wales conservative government announced that they intend to flog it off at a miserable $700 million, playing us for fools—as conservative governments always have and always will. But right now, after six years of a federal Labor government, Newcastle enjoys an unemployment rate of 5.7 per cent and a median income above the national average for the first time in our history. How good is that?

I spoke about the dignity of work and the struggle of the union movement to gain safe and fair labour conditions. Helping to rid this nation of Work Choices and being part of a government that legislated Fair Work Australia is something of which I am so proud.

I spoke of 30 years in education and drew attention to the statistics of continuously declining school funding under the Howard government. Finally, we are that close to a national agreement that guarantees funding for every student in this nation, benchmarked against high-achieving schools, with special
loadings based on need. We cannot let that opportunity pass us by. We need a Gillard Labor government to get this done and nurture its development.

I also mentioned then the inspiration provided by children with disability, having ended my career as principal of a school with units for special needs children. Twelve years later, DisabilityCare Australia launches on 1 July in Newcastle—the biggest launch site in the nation. How good is that?

Twelve years ago, I said that no nation that aspires to play a major role on the global stage can afford to neglect its knowledge base. No government has invested more into the skills and knowledge of our people than this federal Labor government. In Newcastle two world-class research institutes, the Newcastle Institute for Energy and Resources, and HMRI—the Hunter Medical Research Institute—map our innovation future. The Hunter Valley Research Foundation has moved into its federally-funded expanded centre, even though the state conservative government has slashed its base funding—the first state government to do so since the establishment of HVRF in 1956.

A government member: Shame.

Ms GRIERSON: Shame.

I talked about investing into regional cities like Newcastle. Unlike the regional rorts of the Howard era, that is what we did. Now Newcastle and all our cities in regional communities right around Australia, have seen investment flow under this Labor government. I spoke too, about the need for affordable housing and about the unacceptable plight of the homeless. We have made significant investments there.

That brings me to my professional staff—I get wussy about them. Recently, both the state seat of Newcastle and the control of the Newcastle City Council shifted into the hands of conservatives, and that has meant many more constituents contacting our office seeking help on state and local government issues. The majority of these cases are people in crisis, needing accommodation or housing, who received no satisfactory outcome from their visit to the Liberal state member for Newcastle. Some of the toughest cases of all—people recently released from prison, families in crisis and those with mental health issues—are the people who walk through our door. Aware of this newly-growing caseload and the pressure it placed on my staff, I gave them the choice either to send those constituents back to the state member's office until he and his staff actually did something to help them, or to do whatever we can ourselves. There was no hesitation; they would not turn them away. They would continue to deal with these people with patience and compassion and do everything they could to help them.

Their approach illustrates what it is to be in an electorate office guided by Labor values. For that, and so much more, I thank them. I also thank them for their loyalty and tireless commitment, their good humour, their camaraderie, for managing political risk and for managing political opportunity; for that and so much more, I thank them from the heart. I am so proud that former and present staff are here today: Ben Farrell, Kim Hall, Fiona Ross, Nick Rippon, Matt Murray, Emma Goodwin and Hugh Arjonilla, and even Sharon Claydon, the next federal Labor member for Newcastle. Simonne Pengelly is not here but I know she is watching with her newly-born son beside her. These fine people are my second family, and I thank them.

Twelve years ago I called for reform to aged-care policy. Last week, my aged mother was placed on a comprehensive transition package to discharge her from hospital and to assist her once more to live
independently—an ageing-in-place initiative from this Labor government for which I am personally very grateful. There is much more we want to do, so I look forward to the full implementation of our Living Longer, Living Better policy after our re-election. Having convened and co-chaired the Parliamentary Friends of Dementia for eight years I publicly thank Glenn Rees of Alzheimer's Australia, Sue Pieters-Hawke—you are amazing, and vale Hazel—and Ita Buttrose for the wonderful work they do to inform government and communities about living with dementia.

I have always spoken of the unique character of the people of Newcastle displayed in the earthquake of 1989, and once more during the 2007 Pasha Bulker storm and floods. Their courage and community spirit always shone through, just as it did when our families suffered the terrible 2005 Bali bombings. Back in 2001 our Knights league team had just won its second premiership, and our fledgling football team was showing promise. The Jets went on to win a premiership, but we remain impatient for another grand final. So, come on boys! State and federal Labor governments gave you a wonderful stadium to play in, so let us hear the Newcastle victory chant soon.

There is something very special about the people of Newcastle. They have always found time to thank my staff and to thank me for the work we do for them. I love that they stop me anywhere in the street to share their personal news, just as of I am one of their family. When I first announced my retirement, I received hundreds and hundreds of personal emails, phone calls and letters of appreciation and best wishes. How special is that? Thank you, Newcastle.

Following the 2001 'Tampa election' when I joined this place, I said that the insecurity that many Australians felt about their own future had made them harden their hearts to the human suffering of others seeking asylum on our shores. That has been so difficult to change. In the past six years the world has experienced the greatest movement of people leaving their countries, seeking another home and a better life. I have met Burmese in a detention centre in Italy, I have seen the vast numbers of Tamils flowing into Switzerland, I have witnessed hundreds of asylum seekers lining up daily in Kuala Lumpur and, like my colleagues, I have looked on in anguish as lives are lost in leaky boats at sea—a brief moment captured on a TV screen and too quickly forgotten as we look away. We face a global problem being experienced around this world with comparatively few people actually coming here. Yet so many Australians feel threatened. This problem demands a regional solution and Malaysia is key to a collaborative approach to better manage this enormous problem. But those opposite have no intention of allowing that to happen. Their campaign material distributed in Newcastle presents a snapshot of their approach: Blame everything on the 'illegal boat people' and the 'carbon tax'—their words, not mine. I am not sure if the so-called carbon tax is making so-called illegal boat people come here, or if those so-called illegal boat people brought that so-called carbon tax with them, but what a load of simplistic rubbish. What base material to take two of the greatest problems being experienced on this planet, displaced people and climate change, and distil them down to divisive slogans. Give us a break! Stop your deception and treat the Australian people with some respect. They are good; they are decent. Give them some bipartisanship from this parliament and they would readily be part of finding the solutions that are right for this country.
That brings me to the Australian Labor Party. Recently in Newcastle someone asked me, "How proud are you of what Labor has achieved in this hung parliament?" I am so very proud: over 500 pieces of legislation delivering some of the best outcomes and reforms this nation has ever achieved. But do not take my word for it—go to the independent online page, whathasthegovernmenteverdoneforus.com, and ask yourself why that list does not appear in our so-called independent media. For the past six years I have felt like I have been living in a parallel universe, certainly not the one portrayed in the popular media. While the actions of some individuals in the ALP may discredit or distract, the majority of my colleagues here work tirelessly for their electorates. I watch more grey hair appear and kilograms either increase or decrease, and I see the strain on your faces; but for the most part, I hear the passion in your voices and see your belief shine through. I admire you. We need more good people to put up their hands for public life, so never be discouraged. This country will always be better served by a progressive party that invests in jobs and growth, skills, knowledge and innovation, and the health and welfare of all Australians, and that appeals to our better angels. That is the ALP.

At a personal level, I came into this place as a backbencher and I leave proudly as a backbencher. I am proud of that because it says quite a lot about the principles that have guided me here. The people I owe the most to are the good people of Newcastle, who put their faith in me for four elections. In Newcastle I have been blessed by the rank-and-file members of our party who have extended their hard work, loyalty, support and friendship for over 12 years. At times we have done it tough, but we can be very proud of our Federation seat—continuously Labor since 1901. I am forever in your debt.

To the FEC executives James Marshall, Barbara Whitcher, Bernie Bernard, Mark Walmsley, Victoria Phillis, Gaylene Adamthwaite, Michelle Lancey, Morris Graham, and John Manning, and to each wonderful delegate: thank you for your advice and honest feedback. I pay special tribute today to Noel and Margaret James who have served the party in their community with such selfless dedication for decades. Sadly, Margaret passed from this world on Monday—a good life gone much too soon. To my campaign directors over time, particularly Philip Pollard, Ugo Parente, Donovan Harris, Ross Coates and Sharon Claydon: we did such good things together. Thank you.

Colleagues said to me last week, 'It's a bit of a miracle that we are still here.' Yes, it is, and it is a Julia Gillard miracle. Thank you, Prime Minister, for your unswerving leadership and your determination to steer us through this hung parliament—a task no other member of this caucus could have achieved. Thank you for the courage and dignity you have shown in the face of relentless attacks and misogynistic abuse. It has to be said that misogynistic behaviour and gender based abuse, towards you or any female leader, is an expression of gross disrespect, prejudice and intolerance. It epitomises bullying, intimidation and discrimination against women, and ultimately paves the foundation for violence against women. It is never acceptable and it is important that every one of us here raises our objections—especially every good man here who numbers his wife, his mother and sisters, and his daughters and granddaughters among the people he loves most.

But the real story of this government is told in the international ratings this nation has achieved under this federal Labor government. Australia's economy has a AAA credit rating from all three international
agencies. We have moderate debt levels, low inflation, low unemployment and low interest rates. Australia is the fairest and most equitable nation in the world. We have the highest attainments for women in education in the world. We are the second-best nation in the world to live in after Switzerland and, believe it or not, we have just been ranked the happiest nation in the world. How good is that? It takes a lot of hard work, capability and resolve by us and by every Australian to achieve those amazing indicators and retain the lifestyle we enjoy. We should be so proud.

Finally, for some personal highlights, aspirations and thank yous: chairing the public accounts and audit committee was a particular privilege, and I am proud of the many reports we brought down to improve departmental performance, integrity and accountability; meeting amazing individuals such as Christopher Reeve, the former Superman star—sadly now deceased—and making sure stem cell research prolongs and improves the lives of Australians; the apologies to the Stolen Generations and those subject to forced adoptions, and the announcement of the royal commission into child abuse—thank you, Prime Minister; shaking the hand of the inspiring President of the United States of America, Barack Obama, who stances down racism every day; meeting the brave and honest and Indigenous women in remote communities who spoke candidly to me about the impacts of alcohol fuelled violence and abuse; and meeting the people in developing nations who have shared their hopes and aspirations with our delegations, and I particularly draw attention to the people of Laos and Mongolia.

The saddest time I have spent here, though, was the day this parliament sent our young people to an unjust war in Iraq, followed closely by every condolence motion for lives lost in Afghanistan. I am so pleased our government is bringing the majority of our troops home by the end of this year. Having been to Gallipoli on Anzac Day and laid wreaths in Auschwitz, Hiroshima, Sandakan, Changi and Papua New Guinea, I pay special tribute to our veterans and serving personnel—the majority of whom, despite recent events, we can be most proud of. May the peace they fought for continue to bless this nation. And may we see marriage equality, a bill of rights and a republic in the next parliament.

Finally, thank you to the class of 2001, especially Brendan O’Connor, Catherine King and Maria Vamvakinou, and the missing member of the 'Sharon faction', my dear friend Sharryn Jackson. I wish she had returned to the Senate but she would be pleased to know another outstanding Sharon, Sharon Claydon, is on her way to join Sharon Bird in the Sharon faction.

A special thank you and fondest regards to Kirsten Livermore, Harry Jenkins and Nicola Roxon and to the other members of the class of 2013 who also leave the 43rd parliament. I wish you well.

To our wise clerks, our parliamentary elders, to the Department of Parliamentary Services staff, every one of you, to all those Comcar drivers who hold a PhD in patience, to the ever cheerful Tim and his lovely predecessor, Kate Robertson, in the members dining room and to every adviser and secretariat staff member, especially to Lesley Russell, Bruce Wolpe, Denise Spinks, Ann Clark, Rondah Rietveld—and there are many more—thank you for your professional assistance and for every kindness you extended. It has been so good.

The SPEAKER: I thank the member for Newcastle and wish her well in her retirement.
Valedictory

Mr CROOK (O'Connor) (12:30): Madam Speaker, on indulgence: I thank the House for their indulgence and I congratulate the member for Newcastle as well. First of all, I would like to start by sincerely thanking my family, my wife and three daughters, Cassie, Jemma and Georgia, and our newly acquired son-in-law, Damen—it sounds a bit like we purchased him, doesn't it?—for their patience and understanding over the last 3½ years. I think that only those who actually do this job can truly understand the pressures it places on families and relationships.

All through my adult life—well, from 15 April 1978, which was the day I first dated Karen—Karen has always supported me in everything I have done. Whether it was being a mother to our children, being my business partner and No. 1 station hand on our sheep station for 30 years or filling my many community roles, particularly during my time as National President of the Royal Flying Doctor Service and as Chairman of RFDS Western Operations, Karen has always been there, although it must be said, sometimes frowning. I should add that, if we were ever working or drafting sheep, we would always kiss goodnight before we started, because we knew damn well that by the end of the day we would be not talking.

If you let it, this job can be all consuming. I am sorry to say that I have done this at times much to the detriment of my family. For this, Karen, I am truly sorry. Whilst on apologies, I need to apologise to my father as I have not succeeded in getting tawny port on the Pharmaceutical Benefits Scheme. I did try with Minister Plibersek, as I am sure the minister can attest.

My time in this place has been well documented and interesting, to say the least. If you compare this hung parliament to the recent hung parliament of Western Australia, they are literally poles apart. In the WA parliament Brendon Grylls and the WA Nationals delivered an outstanding regional policy in that hung parliament in 2008. In just over three years the Royalties for Regions Fund has delivered nearly $6 billion and over 2,500 projects to regional Western Australia. It is a policy that the Leader of the Nationals, Warren Truss, has said is 'a regional policy the envy of all other states'.

Most importantly, the WA Nationals and their WA Liberal partners delivered stable government. This policy and position was clearly reflected in the last state election where the WA Nationals had an outstanding outcome. This, unfortunately, cannot be said for this hung parliament. For a parliament that promised so much for regional Australia by virtue of those who gave it power, it has failed dismally by comparison.

The WA Nationals went into the last federal election predicting a hung parliament—in fact, hoping for one. If this was going to be the case, there would have been no better place to concentrate our reverse the rip-off campaign, seeking a better regional infrastructure outcome and a fairer, more equitable GST return, than from the crossbench. Despite what many have tried to portray, this decision was taken well before election day. During my entire campaign I stated I was willing to be different and, if necessary, sit outside the National Party room. I urge any doubters to go to YouTube and type in 'Tony Crook'. Although it is not particularly compelling television, it is there for all the world to see and was reported on extensively prior to the election.

I have also been challenged for bringing the Prime Minister and senior government ministers to my electorate. I refute this out of hand. Julia Gillard is the Prime Minister of this great country, not put here by my voice or by my vote. It is a position that I and
everyone should respect. I am proud to have had the Prime Minister accept my offer to visit the O'Connor electorate, as I know the town of Esperance and the city of Albany were to host her. I was proud that I could give the Prime Minister a firsthand look at the wonderful south coast town of Esperance, show her the port and the plans for the foreshore redevelopment, proud to have briefed the Prime Minister on the exciting PortLink Project, a project that Minister Anthony Albanese labelled 'a nation-building project without peer' when he opened the Over the Horizon conference at the invitation of me and the Esperance Chamber of Commerce.

I was equally proud to show the Prime Minister firsthand the historic King George Sound in Albany, where many of our brave ANZACs last saw Australian soil some 99 years ago as I was to peruse the plans on the site of the exciting ANZAC interpretive centre that will not only showcase Albany's historic place in history but also open up many more opportunities for Albany and the Great Southern.

I am also proud to have had Warren Truss, Barnaby Joyce, John Cobb, Darren Chester, Fiona Nash, Nigel Scullion and Scott Morrison—all who I hope will be senior members of the next government—accept my invitation to O'Connor. I was proud to bring anyone of influence, whether it be in this government or the next, to my electorate. In fact, I saw it as my duty to do so. To advocate for our electorates should actually be our No. 1 job in this place.

There are obviously many people to thank in what has been an exciting and challenging time. First up and apart from family, I sincerely need to thank the WA Nationals and the people of O'Connor for giving me this great privilege of representing them. I have always endeavoured to put their interests and those of regional WA first and foremost. Thank you to each and every constituent in my electorate who took time to contact me or my office on issues that were very important to them. In particular thanks go to those I called on for grass roots advice on what their town or region was thinking. This inside knowledge is always much appreciated. I must also sincerely thank my loyal and long-suffering staff, both past and present. In an electorate as large as mine, they are as much a member as I am, and I cannot thank them enough for their commitment to me and to the constituents of O'Connor. Special thanks to my daughter Jemma, who is here in the chamber today. She is far better at this job than I.

I would like to thank my fellow federal National Party colleagues, many of whom have joined us today. I thank them sincerely for the support they have given me, not just since joining the party room from the crossbench but from the very beginning. They had every right to be more than a bit miffed about my and the WA Nationals'position coming into this parliament. They did know, however, how successful the WA Nationals had been in delivering an outstanding regional policy and stable government and what we were hoping to achieve in this parliament. I sincerely thank them all for their faith in me, for their friendship and, in Darren Chester's case, for his poor humour.

I should also apologise to them, particularly their leader, Warren Truss, and shadow agriculture minister, John Cobb, for the position I placed them in with regard to the Wheat Export Authority. This, however, was an important bill for the WA growers and I was very proud to support them. While on agriculture, this parliament must address the pressures that are on agriculture. It is totally unfair that our farmers continue to compete with their global competitors on an
unfair playing field. I liken it to two evenly balanced AFL teams, and one gets to kick with the 10-goal breeze for the whole game; or two cricket teams playing with one team fielding only five men. Something must be done.

I would like to acknowledge my former crossbench colleagues, and I thank the member for Denison for joining us today. Even though I have disagreed with them pretty much all of the time, I have enjoyed their camaraderie. In the member for Denison's case, we have had many a discussion around the GST, and the member for Denison should be recorded as being, I think, the GST thief of the parliament.

An honourable member: Hear, hear!

Mr CROOK: Hear, hear! I am glad he concurs. I also extend my thanks and appreciation to those on the other side of the House for the respect and the friendship they have afforded me.

I have served on two committees, which I found very rewarding, and I would like to thank the agriculture committee chair, Dick Adams, and the regional Australia committee chairman, Tony Windsor, as well as the committee secretariats for their hard work. It should never, ever be underestimated what they do. I would also like to thank the Speakers of the House, and particularly former Speaker Jenkins for his compassion and tolerance, even at 2 am, during my endeavours to make what I thought were sensible changes to the mining tax—amendments, I might add, that would have made very little difference to the minimal return that this government receives, but certainly a big difference to investor confidence in the mining industry and to the ridiculous compliance costs that all implicated now have to suffer for no good reason. I know I have given the Speakers in this House far less grief than the previous member for O'Connor—

The SPEAKER: Hear, hear!

Mr CROOK: but I offer no guarantees for the next member. I would like to thank all who make this place run, whether it be Luke greeting us at the airport; the Comcar drivers, and particularly those back in Perth in Western Australia; ushers and attendants; Hansard; cafe and dining staff, who, I must say, have done nothing for my waistline; and everyone who makes this place tick, despite our best efforts. Special thanks to Bernard Wright, David Elder and Robyn McClelland for their unbiased wisdom and support, also Peter Rose for that wink and nod each morning.

I leave this place still deeply concerned about issues like GP and ancillary health services for regional Australia, and I welcome the former health minister Roxon here today. I certainly made her acutely aware of the problem during my time here. WA is still currently 80 GPs short. It is an issue I have raised often with both past and present health ministers. The Closing the Gap policy is not closing the gap as quickly and effectively as everyone would like to see, and I would direct members to Judi Moylan's speech on Monday for some wise and salient advice. I also leave this place disappointed and concerned where WA's GST will fall. If the answer is zero, then there are others in this place who should be deeply concerned as well. To my colleagues in the House, I still remain completely bemused that Bob Katter and I sat alone in support of my motion to place a floor on the GST return, and I am sure that the electors of WA are bemused as well.

Again, I would like to thank everyone who assisted me in getting to this place and those who helped me while I was here. It is a workplace I will never forget, that is certain.
I think the next government will be a coalition government. To Tony Abbott, Warren Truss and all members of the coalition, I wish them the very, very best. There is clearly a lot to do, and there is clearly a lot to undo. WA is a strong state, and I urge all in this place to ensure it remains so. If this is the case, WA will continue to deliver for all Australians.

Finally, the winter solstice approaches and the gods of bonfire look down upon the revered elders of the KBS. I salute them. I wish all in this place the very best for the future, whether it be here or elsewhere, because we know elsewhere is always fine. Good luck. Thank you.

The SPEAKER (12:43): I would like to congratulate the member for O'Connor and wish him well in his retirement and with whatever he pursues after this place.

BILLs

Environment Protection and Biodiversity Conservation Amendment Bill 2013

Returned from Senate

Message received from the Senate returning the bill without amendment.

Migration Amendment (Temporary Sponsored Visas) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

That all words after "That" be omitted with a view to substituting the following words:

"consideration of the bill not be concluded by the House until a:

(1) full research report is completed by the Department of Immigration and Citizenship on the true incidence and nature of abuses and non-compliance within the 457 visas programme in comparison to other programmes to substantiate the requirement for the measures proposed in the bill;

(2) full consultation programme with industry and other stakeholders has been conducted by the Department of Immigration and Citizenship on the impacts of the measures contained in the bill; and

(3) regulatory impact statement has been completed by the Government in relation to Schedule 2 of the bill relating to the proposed labour market testing regime as required by the Office of Best Practice Regulation and the statement be submitted to the Parliament."

Mr ZAPPIA (Makin) (12:44): Just over a week ago I was approached by a resident in my electorate. He was an experienced tradesperson, he was unemployed and he was desperate to get work because he had a mortgage to pay and a family to provide for. He had applied for work at a major construction site in Adelaide where tradespersons were being recruited. He was knocked back for a job that he was capable of doing and he told me the job was given to a foreign worker on a 457 visa. The person I refer to was himself a migrant to Australia who had resettled here some years ago. That experience exposes to me what is wrong with the current arrangements and why the changes associated with this legislation, the Migration Amendment (Temporary Sponsored Visas) Bill 2013, are necessary. Australian residents should not be unemployed because foreign workers are taking their jobs.

I listened with interest to the comments of the member for Cook. Whilst he spoke about productivity, at no stage did he ever speak about the rights and entitlements of Australians living in this country to access the jobs that arise from the productivity and the development of our country. Not once did he stand up for the real Australian people of this country.
We know that unemployment rates in many countries are much higher than they are in Australia. The unemployed in other countries are also desperate for work. I have spoken to some of them who have come to this country on visitors visas and they have told me that they would dearly love to come here just so that they might be able to get work, because they too have families to support and mortgages to pay. So, not surprisingly, they are prepared to travel to Australia if it means getting work. It also means that they are more likely to accept work conditions below those that they would be entitled to and they know full well that if they stand up to unscrupulous employers their work will be terminated and they will be sent back home. There is no doubt in my mind that it is much easier to exploit a foreign worker than an Australian worker.

I am also concerned that the list of occupations for which it is claimed that there are skills shortages can very quickly become obsolete or simply be wrong. It is important that we address that very issue because many of the skills that we bring into this country are based on lists that are compiled by someone somewhere. I do not know who compiles those lists or where they seek their information from, but what I do know is that those lists can indeed very quickly become obsolete because, as soon as you have perhaps a major loss of employment in one sector, it suddenly changes the ratio of people that are looking for work in a particular skill set. So it is important that the skill shortages listed on the Skilled Migration List are not only regularly updated but also reliable and reflect the true nature of what is happening in communities.

In recent times we have seen a shift in job vacancies across employment sectors within Australia. We have seen that because we have seen different employment sectors either go up or down in terms of their general productivity and contribution to Australia. I accept that from time to time there will be genuine skill shortages and it will be in the national interest to bring in skilled workers from foreign countries and that if we do not we will simply be impeding productivity. Where genuine skill shortages do exist, it makes good sense—and in fact it is in the national interest—to recruit from overseas. That is why we have a migration policy based on two-thirds of permanent migration into Australia being tied to meeting skill shortages. We know that bringing in people from other countries is indeed good for the development of this country, as it has been from day one and as it has been particularly since the post-World War II migration period. I spoke about that very matter in a speech in the House only a couple of weeks ago and also about the contribution that the migrants who have come to this country since World War II have made to the development of this nation. This is not a question about the contribution that skilled migrants—whether they be permanent migrants or 457 visa migrants—have made to this country; this is a question about doing the right thing under the current circumstances whereby Australians who are looking for work should be given the opportunity to secure the work that is available before we look offshore to fill the jobs.

Our migration policy is indeed based on supplementing, either by permanent skilled workers or temporary work visa workers, how we meet the needs here in Australia if there is a shortage of a particular skill. Of course, some people will argue that if we have skill shortages we should be skilling or reskilling Australians looking for work. The fact is that the government is doing exactly that but, as we all know, skilling takes time and often jobs need to be filled quickly. However, what we have seen recently at a
time when the jobs market has been tight is temporary subclass 457 visa numbers rising from 68,400 in June 2010 to 106,680 in May 2013. That is a 56 per cent increase in numbers in three years. The numbers simply do not reflect what is happening in the jobs market and we all know it. Interestingly, the Migration Council of Australia reports that 15 per cent of employers say that they could have employed locals and that seven per cent of the foreign workers were paid differently. I am not particularly interested in the statistics per se because those figures reflect information that has been brought to me by people in the community on a fairly frequent basis. I see it myself, as I referred to in my opening remarks in my address on this matter. So why were foreign workers chosen over Australian workers by those 15 per cent—or whatever the number is—of employers? It is very likely because they were paid less and they could not complain because, if they did, they would be sent home. That is why labour testing needs to be reinstated. Employers need to show what steps they have taken to recruit locally and they need to show that no suitable local person was available to fill the job.

This government understands how important it is for Australians to have a job. That is why, when the GFC hit Western economies hard, the Labor government committed to an economic stimulus package, investing in community infrastructure, school infrastructure and transport infrastructure. The government did this not only to build necessary infrastructure for the future but also to ensure that Australians had jobs and that Australia did not go into recession. And we did that whilst at the same time growing the Australian economy by around 14 per cent and creating some 950,000 new jobs.

The changes within this legislation ensure that employers must go through a robust process if they want to employ a foreign worker ahead of an Australian worker. I see nothing unreasonable about that whatsoever. The process they must go through, for example, is that they must demonstrate that they are not nominating positions where a genuine shortage does not exist. In some cases the English language requirements have been raised. The market salary exemption will rise from $180,000 to $250,000. On-hire arrangements of 457 visa workers will be banned. Compliance and enforcement powers will be strengthened. I also welcome the provision that extends from 28 consecutive days to 90 consecutive days the period that a subclass 457 visa holder has to find an alternative job with an employer sponsor or to arrange their personal affairs at the conclusion of a sponsored employment.

The member for Cook referred to a letter from the Business Council of Australia which oppose these changes. I assume the letter was sent to all members, because I have received one and I have a copy with me. The Business Council oppose, in particular, a return to the labour market testing. They oppose having to justify why they need to hire a foreign worker ahead of an Australian worker. I believe that most businesses do the right thing and I believe that most businesses act responsibly and that they comply with Australian law. But within society there will always be unscrupulous employers who do not do the right thing and who will seek to exploit any leeway that they are given. It is because those people exist that we need to ensure that we have a robust policy in place. In fact, you could say that about all aspects of life. We wouldn't need any laws at all in this country if you took the view that most people do the right thing, because most people do. But we do have laws because there are always some that do
not, and that applies in the employment sector as well.

If unions are standing up for the rights and jobs of Australian workers, so they should be. For the member for Cook to continuously use this legislation to attack the unions on the basis that they are standing up for Australian workers is simply wrong. It is their right to stand up for Australian workers—and if they don't, who will?—just as employers stand together to protect their interests, and they have a right to do that as well.

My views are not guided in respect of this matter by anyone's figures, whether they are the Business Council of Australia or one of the departmental figures; they are guided by what I believe is right or wrong. I believe it is right that we create jobs in this country. I believe it is right that those jobs, if they become available, ought to be given first to Australians. And I believe it is right that if we cannot fill those jobs that we then seek to employ from offshore, as we are doing and as we have done for decades. This legislation simply puts into place what most people I speak to and most people in my community are saying to me: that we need to be fair and sensible in how we treat employment in this country and we need to ensure that Australians are not on the unemployment queues because someone from offshore has taken their job. I commend the legislation to the House.

Mr RANDALL (Canning) (12:57): I am very pleased to speak to the Migration Amendment (Temporary Sponsored Visas) Bill 2013, because I want to make sure that people understand that this is the most racist piece of legislation that has come to this House since I have been a member—and, I suspect, at any time. It is not only xenophobic in its nature but it is also highly jingoistic in its interpretation of our attitude towards foreign workers. This has a history. I recall some of the history that I came across some years ago. This goes back 150 years to the riots at Lambing Flat. I will read from an article in Wikipedia:

Events on the Australian goldfields in the 1850s led to hostility toward Chinese miners on the part of many Europeans, which was to affect many aspects of European-Chinese relations in Australia for the next century.

It goes on:

European resentment of the apparent success of the Chinese first surfaced as petty complaints: Europeans made stereotypical claims about the Chinese. They said a whole range of things, but here is the key point. They accused them and resented them because:

... they accepted low wages and would drive down the value of labour.

As this article says:

... they became classic targets for xenophobia, and surly resentment became systematic hatred.

We have not learned anything in 150 years about our attitude to foreign workers. Imagine if we had done that during the construction of the Snowy River hydro scheme.

It is just an absolute disgrace that this has been brought here today by this party opposite in government because they are kowtowing to their union mates who put them here. It is interesting that Mr Evans, as the migration minister—as much as he should be indicted for what he did in terms of dismantling the successful solution to offshore arrivals that the Howard government had put into place and then lauded the fact that Australian property had been trashed in Nauru and Manus Island in New Guinea—would not bring this legislation to the House. Mr Bowen also did not bring this legislation into the House, because he knew that this was just beyond
the pale in terms of its racial overtones. But this minister has form in this area.

You only have to go back into this minister's history to find out why he is the one who is driving this piece of legislation. I went back to his first speech, and I will read an extract from his first speech, in which he says:

I do not want to fight another election where my view on a particular race of people is sought from electors before they cast their vote.

Here he is, this migration minister, bringing race into this debate, because foreign workers are the enemy of the union movement. Why is that particular to this minister? He is born into the union movement. If you read his maiden speech, you see that he came here as a six year old, born in England of Irish heritage. They went back to Ireland, came back here and found a home in the union movement. There is nothing wrong with that—I was a union member myself, as a school teacher. It has its merits, but not when it becomes a political wing of any party.

We have on the front page of The Australian today, 'Union tail wags the Labor dog'. In that article, Troy Bramston, who is no right winger—he was an adviser to the former Rudd government—says:

Conferences decide on policy, elect party officials and determine Senate and upper house preselections. Unions regard spots on the party's executive bodies as theirs.

The article goes on to say:

They demand seats in parliament for their candidates. And they get them.

This power is partly informal. Joel Fitzgibbon, the convenor of the NSW Labor Right in Canberra, told me last December that "trade union blocs" are able "to control individual MPs". Anybody in a position of power who challenges this—an MP, a party official, a conference delegate—will find their own position under threat.

Linda Savage, a Labor member of the Upper House of Western Australia, lost her preselection. She went public the other day in The West Australian newspaper, and in the parliament, to say that she lost the preselection because she would not join a faction. We all know that; I am just reinforcing why it is this particular minister. His brother is one of the big bosses in the CFMEU, and he is now doing the bidding—

Ms King: Mr Deputy Speaker, I would just ask you to call the member back to the bill, rather than a personal attack on the minister responsible for the bill.

The DEPUTY SPEAKER (Mr Symon): I will remind the member for Canning to please address his remarks to the bill.

Mr RANDALL: The bill is certainly about this minister, because this minister is bringing this bill into the House. This minister has form on this issue, and we are examining why this particular minister would bring this particular bill into the House. It is because he is being instructed to do so by the union that controls him. Why would the CFMEU have an interest in this matter?

Ms King: Mr Deputy Speaker, on a point of order: the member has just made an imputation against the minister. I ask him to withdraw.

The DEPUTY SPEAKER: Member for Canning, it would assist the House if you could withdraw.

Mr RANDALL: It was not an imputation. I am not going to withdraw.

The DEPUTY SPEAKER: It is a reflection on a member. Standing order 90 does not allow reflection on members. It would assist the House—

Mr RANDALL: Deputy Speaker, it is not an imputation; it is a fact that this member comes from the background of a
union movement. I am explaining why they are having to pay attention because of the moneys that are going from unions into this particular party opposite. It is a fact and it is a truth. I am not going to withdraw something that is in the printed media on a daily basis about how this government gets funded. In fact, I would like to go to the CFMEU's funding of recent times—in 2007-08, $1.3 million; 2011-12, $372,000. Since 1995-96 there has been $11 million from the CFMEU alone. I point this out in terms of why this legislation is in the House and the cant hypocrisy that this particular legislation has generated from this government in its very dank and dark dying days. The Prime Minister, Julia Gillard, in a transcript in Beijing on 27 April, said:

So I've got a very clear focus on lifting labour force participation by Australians and lifting skills—so a young kid sitting at home in Kwinana without a job and without any hope can get the skills he or she needs to get that opportunity in the northwest of our country. Now even with increased labour force participation and increased skills we will need skilled migration.

And here is the rub:

I believe we've got the visa settings right particularly with short term 457 visas. This is the Prime Minister: 'We have got the settings right'. So what is this bill doing in this place? We know what it is doing in this place.

Before those opposite get up and say, 'He's anti-union', which is absolutely untrue, let me put on the record that this is about the unions overstepping their control of the Labor Party. In my party room—and my colleagues will concur—I have stood up on many occasions and said, 'Australians should have jobs before anyone else; we should be upskilling our Australians.' One of things I have said is that if a welder goes to Austal ships and they say to him, 'Yes, but have you got an aluminium welding certificate?', they do not say, 'No, because you have not got one, we will get a foreign worker.' You actually train them onsite and you upskill the workers in the workforce—but we have not got enough. Before anybody thinks it is in the resources sector where we are short of skills, here is the Australian Hotels Association and Tourism Accommodation Australia's pre-election policy platform, which we have all received. It says under 'AHA Position':

Current workforce development priorities do not address the needs of the hotel industry with its large casual workforce. Training incentives are focused on ideology rather than the occupational requirements, and the current Job Services Australia (JSA) agency is not structured to assist filling vacancies in the hotel industry. To address this:

• The operation of the Job Services Australia network should be reviewed to address its current failure to engage with the hospitality industry.

It goes on about training incentives et cetera, and it says that the government should be supporting bring in more workers, in terms of migration, so that they can fill their vacancies.

If you are a Chinese restaurant and you want a Chinese cook and you cannot find an Australian of Chinese heritage, of course you go to the other group. One of the Clerks at the table would be very aware of the documentation that I have here. I chaired an inquiry into this very matter. The report is entitled Temporary visas …permanent benefits. And, dare I say—before those over there snigger and carry on—the Labor and other members of the committee were Senator Helen Polley; Senator Andrew Bartlett; Senator Linda Kirk, until her political demise; Laurie Ferguson; Julia Irwin; and Carmen Lawrence. Do not tell me that they are good right-wingers. But this was a unanimous report. The terms of
reference asked us to inquire into the adequacy of the 457 visa system and whether it was being rorted. The inquiry's terms of reference included:

Inquire into … eligibility requirements … and … monitoring, enforcement and reporting arrangements for temporary business visas …

There were many excellent recommendations. Because I do not have the time, I particularly point those who would be interested to recommendations 17 to 22, which talk about compliance and monitoring of any abuses.

This particular minister has been out there saying that there are 10,000 abuses. We know it is not true, because when challenged he eventually had to come clean and reveal that he made the figure up. The Migration Council of Australia said that there was no evidence to back up this rorting. So here we are. We have people coming on genuine 457 skilled visas, and they are being told, 'You’re not wanted,' and the government are going to try to stop it or make it hard for you to get here, which I will get to in a moment. But they are still willing to destroy our borders and allow migrants to arrive here without a visa. In fact, we have had 42,000 of them while this government have been in place, on more than 700 boats—753 at this stage, and counting, because it changes on a daily basis. They do not come with a visa, but the people who come with a visa the government want to stop. But there is even more cant and hypocrisy on this issue. We had the member for Makin a moment ago saying: 'Shock horror! This has risen by 20 per cent.' Have a guess who was the government in this place when it went up 20 per cent. I have a guess who was the government in this place when it went up 20 per cent. It was the Labor Party, in conjunction with its Independents. Prove to us where the rorting is. Nobody can.

The unintended consequence of this sort of legislation, besides its racist overtones, is the fact that, for example, if you are going to try to get a doctor in this country, you are now going to have to go through this very lengthy labour market testing, controlled by the union movement, where you will have Fair Work Australia inspectors et cetera trawling all over your business. That is fine. As I said, there is nothing wrong with monitoring and nothing wrong with being surveilled, because most of these people are doing the right thing. I am aware of so many businesses in my electorate that need 457 visa holders and could not operate without them.

But, at the end of the day, here is the real 457 visa person: the Prime Minister herself could not get an Australian to run her spin doctor exercises in her office, so she brought in the most famous 457 visa holder, Mr John McTernan. Did they go out there and explain to anyone why they could not get anyone in Australia? Did they do labour market testing and advertising? Show us the documentation and how you went out there and tried to enlist an Australian before John McTernan came here. The union movement themselves have admitted that they have a whole lot of 457 visa holders in their own employ. They could not find any Australians. What an absolute joke!

This is all about a union bill going through this place. We know about all the bills stacked up in this parliament that you are trying to get through in the last six days. We have had right of entry. We had the bill the other day that stops foreign workers coming to oil rigs. If you come through Karratha and go through the transit lounge, you now have to get a visa, because they want to put you in a union. So this is about the union bosses saying to this government, 'We give you the patronage, we give you your preselections, we give you your money and you'd better take notice of us, because if you don't we're going to toss you out; we're not going to give you the money.'
In the dying days of this government they are going to try to lock it away so that, should we be fortunate enough to be elected on 14 September, we will have to try to unpick this, as the Australian people want us to do. This legislation is unnecessary, it is racist and it is jingoistic. Bringing this sort of legislation into the parliament shows an appalling lack of judgement by this government. It is a disgrace to the Australian people that we should even be debating it here when there are so many other priorities, and people who are looking for jobs in Australia should be—(Time expired)

Mr JENKINS (Scullin) (13:12): Mr Deputy Speaker, on a point of order: I was wondering whether the member for Canning would entertain a question based on his speech in the second reading debate under sessional order 142A.

The DEPUTY SPEAKER (Mr Symon): The member for Canning?

Mr Randall: If questions are allowed, possibly.

Mr JENKINS: Based on the member for Canning’s contribution recognising that the 457 visa is a temporary visa, does the member for Canning believe that a 457 visa holder should have pay and conditions comparable to those existing if this position had been filled by an Australian worker, and does he agree that, as a part of reciprocal obligation from employers that receive 457 visa employees, there should be appropriate training for Australians for long-term carriage of positions that are offered?

The DEPUTY SPEAKER: Before the member for Canning starts, each reply may take up to two minutes under sessional order 142A.

Mr RANDALL (Canning) (13:13): Of course, I am very happy to respond to the member for Scullin’s questions. Yes, there should be adequate training. I have said in this place before, in reference to an Italian cheese maker at a cheese-making business in my electorate, that there should be adequate training of the employers in that business from the skilled migrant. The inquiry we did which I just referred to recommended that industry wages should also be adopted for those coming in on a skilled visa. So of course they should receive the same treatment. This is where, if there are any inadequacies, they should be monitored and dealt with. But the proportion of people that have been found not to have complied was about two per cent, I understand from the report I referred to.

This gives me the opportunity to say that one of the problems with the 457 visas since this government has handed them, essentially, to the union movement to control is that they have shifted the goalposts on some of the requirements—for example, the English language. It has not been thought out very well. If you are a Chinese cook in a Chinese restaurant, your English requirements are not the same as those of a doctor who might have come here from former Czechoslovakia and might be doing delicate operations. There are industry needs and industry nuances.

This is a cover-all sort of allegation that is made by the unions, that we have to lift the bar on English, for example. In terms of wages and conditions, this is prescribed in a 457 visa. It is not inexpensive to bring a 457 visa holder to Australia. It costs thousands of dollars. Initially you have to find them their housing and health care. There are the superannuation commitments that they are obliged to have. There is a base wage set out in the 457 visa conditions and, obviously, it should be applied. (Time expired)

Mr STEPHEN JONES (Throsby) (13:15): The simple proposition before the House is this: that if an employer or another
wants to come to the government and say, 'We require access to a particular type of visa which was designed to address labour market and skill shortages,' then they must be required to demonstrate to the Commonwealth, the government and the minister that there is a shortage and that there is no local worker who is ready, willing and able to fill that position. That is a very simple proposition. When stated like that, you find it very difficult to disagree with the proposition.

Is it any wonder that in their contributions to the debate today the opposition have not addressed the proposition? In fact, they have stooped to their normal cant of casting aspersions on the motives behind those who bring the proposition before the House—their allegiances, their friendships and their former employment, and even their country of birth. But do they address the question before the House? No, they do not. The question before the House is a very simple one and it should enjoy the support of all members in the chamber. I will be very surprised if it does not.

A couple of weeks ago, the member for Batman gave a speech in this House. He described it as his first and last speech as a backbencher. It was a speech that enjoyed applause from around the House. He said something that really stuck in my mind. He said that his priority and the priority of any Labor government should be to get Australian workers into quality jobs that pay well and are secure, and to use that as a vehicle to lift their standards of living. He said that had been the driving force behind all of his work in public life.

That is a statement and proposition which I wholeheartedly agree with. To achieve that you need to have a strong economy. You need to have effective markets, you need to intervene in those markets where they do not deliver fair and just outcomes. That is why we have awards and collective agreements. That is why we have workplace regulation.

But in 2013 Australia stands above just about every other advanced economy in the world. We have strong growth, we have low unemployment, we have low inflation, we have strong public finances and we have quality public services. It is not unique in the last 150 years that Australia has relied on the skills and capacity of workers from overseas to build our cities, to man our factories and to staff our hospitals, surgeries and offices. The region that I come from has the steelworks, just like the steelworks and the metal industries around the country—Whyalla, Port Kembla. On any day you walk into any of the departments within the BlueScope steelworks and you find workers from just about every country on earth. The Snowy Mountains Scheme was built relying quite heavily on the skills and capacity of workers from around the world. If you drive past the Kingsford Smith airport in Sydney you see the residue of the market gardens that once were extensive throughout that region, providing a food supply to the people of Sydney for over a hundred years and owned and operated by workers from overseas. There are the auto workers of Geelong. The examples could go on and on.

It is clear that the wealth and prosperity that we rely on today and that we are so proud of as Australians have been built on the efforts, achievements, skills and capacities of workers who have come from all around the world. Of course, these have not always been glorious episodes. The exploitation of bonded labour is one that stands out. But generally speaking, the workers have come from other countries. They have made a fantastic contribution where we have embraced them for what they have brought to the country that they have helped to build.
The temporary skilled visa was a further iteration in this 150 years of skilled migration coming to this country. I do not know if it has been mentioned in this debate. The history of the temporary skilled visa which we now refer to as the 457 visa has its history in the Roach report, commissioned by the Keating government, relying on the input, the skills and the knowledge in consultation with key businesspeople. The recommendations of the report were many, but in part they identified the need to address skill shortages in the short term by introducing a new class of visa and over the long term by investing more money in skills and training of our domestic workforce. The visa was not introduced by the Keating government.

After the 1996 election the Howard government introduced the first 457 class of visa. It has been in existence in that statute ever since. It is designed to help businesses which are struggling to find skilled workers locally to sponsor workers from overseas so that those businesses and the economy as a whole can continue to grow in a tight labour market. Like most schemes of this type, they must continue to be monitored and adjusted as circumstances change and weaknesses emerge.

We have identified three weaknesses. The first is a lack of a requirement to test the local labour market. Indeed, when I have spoken to people in my electorate—in fact, when I have spoken to many men and women in the press gallery and to others—they have been quite surprised by the fact that there is not a requirement on an employer who seeks access to the 457 scheme to test the local labour market. Perhaps that is the reason that in a recent survey and report by the Migration Council they found that over 15 per cent of employers surveyed said that they probably could find locals to fill the jobs but were applying for 457 visas and simply did not try.

I make no criticism of the employers for accessing something that is a legal entitlement to them, but I am more than a little bit critical of the fact that they have not at least attempted to engage with the local workers—particularly when I reflect upon my own electorate, which has consistently had since the late 1980s unemployment rates two per cent above the national average. When you focus on certain suburbs, the statistics are above that. When you look at youth unemployment, the statistics are above that again.

The message has to be quite simple: if we want skilled workers not just now but in five years time and if we want skilled tradespeople not just now but in five years time, we have to have the mechanisms in place which encourage employers and workers to put on apprentices and trainees to ensure that we are able to fill those skills shortages not just now but in the future. Today's commitment to putting in place apprentices and trainees ensures that we do not need to rely on schemes like the 457 scheme so heavily into the future.

The second issue that has been identified is the potential to exploit the precarious nature of a 457 visa worker, including paying below the market rates and the continuity of employment. Put quite simply: if somebody's tenure not only within the workplace but within a country is reliant on their continuous employment with that employer then their bargaining power within that workplace is less than that of any other worker within that workplace.

The third issue we have identified as a weakness within the scheme is something I have already addressed: the requirement to meet training obligations that are conditional upon the granting of the 457 visa. We never
heard much about this from the member for Canning or any of the other speakers that I have tuned into.

When pointed out like that, it is a fairly simple proposition. Test the local labour market and prove that there is no current local worker who is ready, willing and able to fill that vacancy. Having engaged a worker on a 457 visa, ensure that you meet the conditions of that visa, ensure that they are paid market rates and are treated fairly in the workplace and ensure that you are meeting the training requirements.

There is a good reason why the member for Canning and others did not reflect too heavily upon these propositions within the amendment before the House: their record on this particular issue is not very good. Under the Howard government we saw significant abuses within the scheme. Between 2003 and 2006 we know that over 30 per cent of all 457 visas granted were below the minimum gazetted rate. We heard the member for Canning just now, in response to a question put by the member for Scullin, saying that he has always supported workers being paid the market rate. Under their watch that was not what was occurring. Over 30 per cent of the workers who were engaged under the 457 class of visas were being paid at below the minimum gazetted rate. I want to make the point that that is not the minimum market rate; it is the minimum gazetted rate. So you had two classes of workers within a workplace and the exploitation of workers on this class of visas. Inspections between 2002 and 2003—and these are reports conducted under the former government—of over 2,400 work sites showed that around 27 per cent of those employers who had people engaged under those schemes were breaching the conditions of the visa.

I can understand why the member for Canning and others on that side of the House say, 'Nothing to see here; move on.' The reason they make that submission is that their track record in this area is not very good at all. It is why they are so anxious not to address the central proposition which is before the House. That central proposition is: if there is a local worker who is ready, willing and able to fill a vacancy an employer needs to fill then they should be given first crack at that job.

You could be forgiven for thinking, on listening to the contributions of the shadow minister and others after him, that Australia was somehow operating on a folly, out on its own doing something which is completely out of step with similar countries around the world. I inform the House that not four weeks ago in the Canadian parliament the Prime Minister of Canada stood up and said they needed to amend their class of visa, which operates in the same way as our 457 visa scheme, for the very same reasons that we have identified here. The Canadian prime minister, more closely aligned to those on the conservative side of politics than ours, had this to say: if there are local workers who can fill a vacancy, they should be given first crack at the job before employers go to the Canadian government and seek to bring in workers from overseas to fill that vacancy. He was supported in that proposition by the then Governor of the Bank of Canada, the central bank of Canada, who made a public speech supporting the same proposition. So, far from this being some harebrained proposition dreamt up as some conspiracy in a cave, this is a proposition which is in step with all other countries around the world.

I make this final proposition. For those opposite to sit on that side of the House and bag other countries, talk about humanitarian debacles in countries like Malaysia, whip up fear about foreign investment in this country, run the most humungous scare about refugees in this country and then turn to this
side of the House and talk about introducing xenophobia into the debate is, I have to say, about the richest thing that I have heard in my time in this place.

Dr JENSEN (Tangney) (13:30): I quote:

With an increasing share of 457 visa holders going to WA and Queensland, demand-driven migration is delivering migrants effectively to the regions where they are needed — exactly how the 457 visa program is supposed to work.

And anyone who tries to tell you the 457 visa program is not working, needs to take another look at the facts.

Those are not the words of the member for Cook or any of my coalition colleagues, but of the Labor Minister for Immigration and Citizenship, the member for Gorton. He said that on 19 July 2011 in an address to the Australian Mines and Metals Association migration conference.

The amendments contained within the bill, if passed, will introduce the following: labour market testing, extra time provided to workers after ceasing employment with their sponsor and sponsorship obligations and compliance. Under the amended legislation, sponsors must undertake labour market testing, or LMT, in relation to subclass 457 nominated occupations. To demonstrate LMT, the sponsor will be required to have sought a suitably qualified Australian citizen or permanent resident within six months prior to the submission of an application for nomination approval. The introduction of LMT for subclass 457 visas is likely to affect companies hiring trade occupations in the first instance, but could extend to occupations in the manager and professional categories in future.

The Irish Echo compared the income figures for 53 migrant communities. The ABS data shows that people born in the Republic of Ireland command greater wages than those born almost anywhere else, including Australia. The median weekly income for Australian-born workers is $597 a week, while the figure for 'all overseas'-born workers is $538. Detailed census data provided to the Irish Echo by the ABS shows that over a 10th of Irish nationals living in Australia listed their annual income as $104,000 or more, nearly twice Australia's median annual salary. I raise this on point of relevance to highlight the nonsense of the premise of this bill and as an appeal to the hypocrisy that is inherent, given the heritage of the Prime Minister and the Minister for Immigration and Citizenship.

There are a number of questions that need to be answered in relation to this bill. First, how can it be the case that a bill that purports to have as its raison d'être protecting Australian jobs and, latterly, society, can endanger those same jobs and society? I refer here to the weakening of the English language requirement for a successful grant of a temporary sponsored visa. Communicating effectively is the kernel of the new world of work, and that is the type of work this visa was designed to facilitate. This subclass of visa, the 457 subclass, was intended for high-skilled professionals delivering high-value-added product to give the Australian marketplace a competitive edge. If the English language requirement is diminished and diluted, if even a jot, then how can it be said that this bill will strengthen demand for the local labour pool or unite our communities? That premise of protecting Australian workers is the critical selling point of the bill, yet under its provisions as is, the bill fails before it even starts.

If we may move from the bickering and bloviating, then the story of the real economy and the real Australia is very different. I have received urgent appeals from the Australian Industry Group, the Business Council of Australia and the
Migration Council of Australia to put paid to the petty pandering of Labor to its union paymasters. Political navel-gazing must end. Short-term solutions are no solutions. Only the coalition can offer real solutions—and real solutions are what is required. Those bodies writing to me presently provide millions of Australians with livelihoods. They generate wealth and opportunity in their communities. They know the value of hope, reward and opportunity. That is something the Gillard government and Labor can never say. How many of the Gillard ministry have ever risked it all on a good idea? How many have hired staff? How many have ever had to compete globally?

In the strongest possible terms I stand with the Australian Industry Group, the Business Council of Australia, the Migration Council of Australia and any other fair dinkum Aussie who supports a fair go. Industry is concerned about the level of consultation. It is right that it should be, as a desperate and disoriented government rushes through significant changes to fix alleged abuses without subjecting inadequacies to its own regulatory impact statement process. The RIS exemption for the new labour market-testing requirements in the bill cites 'exceptional circumstances'. It is unclear what these circumstances are, given that the minister's department has provided no hard evidence of a systemic problem with the scheme. Unwarranted additional regulation of the 457 visa scheme has risks. The minister would do well to remember the words that I am sure he was taught at the Christian Brothers in Kerry: Ní he la na gaoithe la na scoilb. Translation: a windy day is not for thatching. Meaning: desperate political stunts backfire.

The Australian public are not stupid. Since 2007-08 Labor has cut resourcing for compliance work in DIAC, including 457 monitoring, by over $20 million or 30 per cent. Monitoring visits to employers are down by 67 per cent. The number of sponsors formally warned has also dropped by two-thirds. With spending set to rocket with this 'five minutes to midnight' bill, will the additional $3.4 million for inspectors be just another Labor lemon, another pink batts? Is such a scale-up possible in such a short period of time? Just as Labor cannot protect our borders, they cannot police the immigration system here in Australia.

Minister, I implore you to put up or shut up. Provide the hard evidence to back up the nefarious accusations of widespread rorting of the system. Provide evidence as to why the existing safeguards are insufficient. Subject any proposed changes to the 457 visa scheme to a rigorous, transparent regulatory impact statement.

Most damagingly, the bill seeks a return to labour market testing which was abandoned following a major departmental review in 2001 that found that it was costly, ineffective and inferior to the system we have today. One of the canons of a good migration system is that it delivers for all the community and does so quickly, cheaply and easily. The current list system of nominated areas of skills shortage is reflective of real market demand and secures reflexivity as a principle to guarantee Australia's global competitiveness. This bill places unnecessary and onerous requirements on employers through detailed reporting requirements of attempts that they have made to hire locally within the previous six months. The new regulations will reduce flexibility and waste time and resources for no discernible benefit. Let us go forward not backwards. The labour market-testing requirement will be largely targeted at jobs in trade and technician categories, estimated to be 40 per cent of all 457 visa applications. Why target these occupations, where unemployment is half the
national rate and where skill shortages remain acute?

This bill will work against business investment and economic growth. This bill will impose more red tape and do nothing for competitiveness. The government's claims about excessive growth are also contradicted by official data showing the number of primary 457 visas granted in the first 10 months of 2012-13 is only 1.7 per cent higher than at the same time last year, that is, just 940 more visas have been granted this year than in the same time last year.

This is a Labor bill through and through. Should I be surprised when we are presented with a bill that will put a bill on the door of job creators across the country? After all, Labor is the party of white Australia, of Kevin 'red tape' Rudd, and pink batts and school halls. My electors back in Perth have implored me to ask the question: who is the Gillard government for? The Gillard government has its priorities all wrong. The humanitarian intake has increased from 12,500 to 20,000. Remember the border protection fiasco? Asylum seekers pay no tax, do not work and get provided with means, a means that comes from the hip pocket of every working Australian and every 457 visa holder.

457 visa workers contribute to Australian society. They love this land and give back so much; much more than just tax—but even there they are paying tax from day one. There are no entitlements to benefits. Immigrants are four times more likely to become self-made millionaires. Immigrants have hunger and drive, and that is what our country needs. The efficient operation of the marketplace includes the labour market. Asymmetry of supply of high-value human capital leads to artificial and uncompetitive market rates for labour. This is structurally crippling for our international competitiveness.

This bill is an undisguised attack and attempt to demonise foreign workers. Examine that a little further. Those foreign workers come not from strange places, but the UK, India and Ireland. The Prime Minister is attacking her own family and heritage. How does this attack on skilled migrants do anything to hold the memory and praise the contributions our migrants make every day? It appears that the Labor economic strategy mirrors its political strategy straight from the textbooks of 1972. It is time all right—time for the Labor government to realise that the economy has undergone fundamental and desirably irreversible shifts to a high-value, high-wage, skills-based service economy. So manufacturing, whilst important for those involved in that industry, now accounts for less than six per cent of our economy.

This bill is scandalously political. Think of this: raising the price of a temporary sponsored visa from $350 to $450 to $900 from 1 July in less than 15 months. It is nearly a 200 per cent increase in less than 15 months because, simply put, Labor is addicted to spending. Like any addict, they deny they have a problem. But every time the debt ceiling is raised and a forecast broken, that should be a red-flag opportunity.

I am concerned greatly with certain specific aspects of this bill, namely, the legislative instrument listed to facilitate this bill to act as a starting and enabling piece of legislation. Nowhere in the bill is it clear what labour market testing involves, what it looks like, what it takes to complete and how much it would cost. I am concerned about the lack of third-party oversight and the strength and breadth of checks and balances. Exemptions exist from labour market testing in incidence of major disaster. However, one
would assume wrongly that the tragic incidence of a major disaster, natural or man-made, would be beyond politics. Alas, nothing is beyond the politics of this Labor government.

The minister of the day would have the sole entitlement to decide where, and for how long, an area would be exempt from the labour market-testing requirement. Surely, this is open to rorting? It is fragile and facile to think otherwise. An economic event could conceivably be classed as a major disaster under the definition offered in this bill. The parameters need to be tightened up now, and significantly. We must advance fairly and united. Sowing seeds of division is no way to make political gain.

The SPEAKER: For once in your life you could have kept talking! My humble apologies to the member for Tangney! I was trying to organise something. I did not want to progress to our next issue until the two leaders are with us. The debate is interrupted according to standing order 43.

STATEMENTS BY MEMBERS

Ryan Electorate: Chapel Hill State Primary School

Mrs PRENTICE (Ryan) (13:46): I want to put in a special welcome to the students from Chapel Hill State Primary School who are in the chamber this afternoon. It is great to see them here with their principal, Mr Russell Denman.

The SPEAKER: For everyone listening to the shenanigans that are going on, we are about to suspend the sitting to enable the class photo of this parliament to take place. Can everyone move down to where our lovely Hansard lady is? We are going to traumatiso her! And make sure that the Prime Minister and the Leader of the Opposition are at the front.

Sitting suspended from 13:47 to 13:51

Tasmania: Employment

Mr WILKIE (Denison) (13:51): I take this opportunity to lament the employment situation in Tasmania and the fact that the Labor Party is not doing its job in looking after other people's jobs. Just this morning, for instance, The Mercury newspaper confirmed the news that 18 specialist ocean and atmospheric jobs are going at the CSIRO in Tasmania. How ridiculous! We should be growing our science and research community, not cutting it—and we certainly should not be cutting these sorts of jobs when it is so important to understand and deal with climate change, as well as the oceans to the south and the Antarctic continent to which we lay such a significant claim.

This news is all the more alarming coming, as it does, so soon after the federal budget with its $2.8 billion cut to the tertiary sector that will cost 150 jobs at the University of Tasmania. Then there is the construction sector, where the rebuild of the Royal Hobart Hospital is over a month behind schedule, with the result that hundreds of workers are finishing up on other projects and will soon be unemployed or heading interstate. A person's job often underpins the welfare of whole families. It is way beyond time for the federal and state Labor Party to stop worrying about their own jobs and start worrying about those they govern.

Cascade Forest and Blue Tier Iconic Mountain Bike Trails

Mr LYONS (Bass) (13:52): I recently had the pleasure of announcing that the federal Labor government will contribute $2.5 million to the North East Tasmania's Cascade Forest and Blue Tier Iconic Mountain Bike Trails project. This is a fantastic bit of news for the north-east of Tasmania and for sporting enthusiasts, as
well as being a great boost to northern Tasmania's economy and its tourist opportunities.

With this support, new bike trails will be constructed which will boost the profile of mountain biking in the region, provide new and exciting tourism demands and opportunities and establish over 75 kilometres of mountain bike trails. This project is anticipated to create nine jobs during construction and a further 94 jobs over the longer term.

I am excited about this project. I have been a long-time supporter of this important project, and I am pleased to have been able to deliver the funding for such a terrific initiative. I commend the work of Northern Tasmania Development, the Launceston City Council, Dorset Council and the Break O'Day Council and its mayor in developing this project. I look forward to the start of construction and I welcome visitors to the great north-east of Tasmania.

North Epping Rangers Sports Club:
50th Anniversary

Mr ALEXANDER (Bennelong) (13:54):
Last week I had the pleasure of joining netballer Anne Sargeant and footballer Andy Harper for the 50th anniversary dinner of the North Epping Rangers Sports Club. In 1962 local dad, John DeGioia, started a soccer club for seven- to nine-year-olds and, year by year, the club has kept growing. In 1966, club president Geoff Lee approached the Glasgow Rangers in Scotland for permission to use the Rangers name and logo, the rampant lion. He was successful and the locals began sewing uniforms. Around the same time, local mum Daphne Baker stood up at a club meeting and requested girls sports, and so North Epping Rangers began netball.

The club went on to incorporate tennis, Little Athletics and women's soccer. The club now boasts participation levels of over 900 four- to 64-year-olds and they have won too many premierships to mention. As with all clubs, volunteers are their backbone and there has been no shortage over the years. I acknowledge Helen Armson, James McNaughton, Joanne Colquhoun, Elyse Osbich and Barbara Brown for their long-term commitment to the local community. May those participation numbers continue to grow and may there be many more premierships for North Epping.

Canberra Brumbies
Socceroos

Ms BRODTMANN (Canberra) (13:55):
It was a big night for Canberra last night. Twenty-two thousand Canberrans braved the cold to pack Canberra Stadium to watch the Brumbies upset the British and Irish Lions 14-12. The Brumbies are the first provincial side to defeat the Lions since 1997 and the first Australian provincial side to defeat the Lions since Queensland in 1971. Many are already saying that this will go down in history as one of the Brumbies' greatest wins.

Of the Canberrans who were not watching the Brumbies, many were glued to the TV watching the Socceroos defeat Iraq and qualify for the 2014 World Cup in Brazil. Canberrans had their eye on local boy Tom Rogic who, two weeks ago in Australia's 4-0 win against Jordan, provided the assist for captain Lucas Neill's first international goal. Last night, Tom came on in the 61st minute, looking dynamic from his first touch. Tom got his start as a junior with a wonderful club in my electorate, Tuggeranong United. I know that all the players at Tuggeranong were cheering him on last night. Huge congratulations to Tom and all the Socceroos and, of course, to our wonderful Brumbies. Canberra is a very proud city today.
Member for O'Connor

Mr CHESTER (Gippsland) (13:56): The House has been blessed to have many members make their valedictory speeches in recent times. I wish all the retiring members all the best as they go on to the next stage of their lives. In particular, I would like to pay my great respects to my good friend and colleague the member for O'Connor, who made his valedictory today.

Tony Crook has been a great champion for regional Australia in the time he has been in this place and I fear that regional Australia—and in fact all regional communities—is losing a great friend. I fear we did not actually see the best of the member for O'Connor in Tony Crook—I think he had a lot more to offer this place in the future and it is with a great deal of sadness that I see him leave.

I understand the difficulties in that awkward commute from Western Australia for a member like Mr Crook, from Kalgoorlie. It is very hard on families and I understand why Tony has made his decision, but I do believe he leaves this place with the respect of members on both sides. He leaves this place having been very true to himself and maintaining his own personal integrity. He set that integrity at a very high level throughout his entire, brief career. I do sincerely—on behalf of the Nationals, the coalition and I think on behalf of the crossbenchers and the Labor Party—extend my very best wishes to Tony in the next stage of his life.

One thing I do look forward to, now that Tony has retired, is joining him around a bonfire. If anyone has ever heard of Mr Crook and his bonfire in the area of Kalgoorlie, you would know that it is something quite spectacular. In fact, I do not think you can stand within 100 metres of it when they first ignite the bonfire, so he is responsible for more carbon dioxide emissions than any person in this place. I look forward to joining him at some stage in the future. So, the member for O'Connor, I wish you well. (Time expired)

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Hon. BC Scott) (13:58): I want to acknowledge the mayors from the Barcoo and Diamantina shires. I am sure the Leader of the House, the Leader of the Opposition and the former Speaker Jenkins, who have been guests in that part of my electorate, including at Birdsville in the Diamantina shire, would certainly welcome their attendance at question time today.

Honourable members: Hear, hear!

STATEMENTS BY MEMBERS

Member for O'Connor

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (13:58): on indulgence—may I associate myself with good wishes, as Leader of the House, for Tony Crook—a member who I have enjoyed a very good working relationship with and someone who has always stood up for the interests of his electorate.

Creative Young Stars Program

Ms O'NEILL (Robertson) (13:58): I would like to take this opportunity to highlight a program that is available to every young Australian who might have a sense for a spirit of the creative and who are seeking funds to assist them to develop their creative skills or to represent their communities at events around Australia. This is the Creative Young Stars Program. It is the first round that is being offered—$23,500 for each electorate right across the country. Whether your talent is physics, debating, dance,
drama or music, this is a program that is similar to sporting programs. Individuals can secure $500 to assist them with equipment or travel to extend and expand their capacities. If you are part of a group, up to $3,000 is available. Registration for this is with the department—'creative young stars' is the Google search which will bring you to the right spot. Every member in each electorate should be able to provide information about this fantastic financial support to enable our young local people to really advance their skills.

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

MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (13:59): The Minister for Defence will be absent from question time today, as he is attending the presentation of the Battle Honour Eastern Shah Wali Kot the 2nd Commando Regiment. The Minister for Veterans' Affairs, Minister for Defence Science and Personnel and Minister for Indigenous Health will answer questions on his behalf.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr HOCKEY (North Sydney) (14:00): My question is to the Treasurer. I remind the Treasurer that European carbon permits are currently trading at just $6.60 tonne, which is a 37 per cent fall in the price in the last 12 months. Given that the Australian carbon tax is currently $23 a tonne and in just two weeks will increase to $24.15 a tonne, will the Treasurer explain to the Australian people why his carbon tax is going up and up when in the rest of the world carbon prices are coming down and down? (Time expired)

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:01): It is a deep irony that at the same time we are seeing a carbon price and an emissions-trading scheme introduced in a province in China we get this question from those opposite, who used to believe in an emissions-trading scheme but no longer believe in it. Of course, we on this side of the House understand that an emissions-trading scheme is the most efficient way to price carbon. We understand that you cannot be a prosperous economy in the 21st century unless you are substantially powered by renewable energy. Of course, a carbon price for a fixed period moving to a floating price is exactly the way to go. That has been all of the advice we have received and it will stand this country in good stead for years and years to come.

In contrast to the policy of those opposite, their direct action policy, which will cost every household $1,200 on the budget bottom line—$1,200 going out of households—what we have done is put a price on the largest polluters in our economy, provided assistance to those who are affected by that and ensured a future for our country in renewable energy. Of course, it is deeply ironic that this question should be asked today when forces within the coalition are talking about getting rid of the renewable energy target as well. I could not think of anything more disruptive to our future prosperity or to our economy in the first term than such a reckless act as that. That is why they do not have the support of the business community in terms of their wrecking ball tactics when it comes to the renewable energy target.

We are proud that we have priced carbon. We are proud that we have taken action against dangerous climate change. There is a very clear choice in this parliament. Everyone on this side understands the importance of dealing with dangerous climate change, putting in place the most
cost-effective method to price carbon to secure our prosperity for the future.

Mr HOCKEY (North Sydney) (14:03): Madam Speaker, I ask a supplementary question. I note how proud the Treasurer is of his scheme. He referred to the price of carbon in China which today is around $5 a tonne. How does the Treasurer reconcile that with the fact that in just two weeks the Australian carbon price is going to be $24.15 a tonne? How does that help Australian industry? (Time expired)

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:03): He is just showing how ignorant he is of this area of public policy. The effective carbon price for trade exposed industries is $1.30 in this country. We have put in place a scheme for trade exposed industries to absolutely secure their future.

Honourable members interjecting—

The SPEAKER: The member for North Sydney will resume his seat. The Treasurer has the call.

Mr SWAN: We have put in place a scheme which is the most cost-effective way of pricing carbon. Those opposite simply do not understand either the economics or the science of dangerous climate change. We on this side of the House do. We understand the importance also of the renewable energy target and having our economy driven by renewable energy and more energy efficient practices. They are just demonstrating their ignorance and unfitness for high office.

Education Funding

Ms O'NEILL (Robertson) (14:05): My question is to the Prime Minister. Will the Prime Minister update the House on the latest figures on the government's plan for better schools? What do these mean for our school communities?

Ms GILLARD (Lalor—Prime Minister) (14:06): I thank the member for Robertson for her question and for her ongoing passion for improving children's education. Just before question time started I noted that the member for Ryan acknowledged that the Chapel Hill State Primary School joins us in the gallery today. I advise the House and those from Chapel Hill primary school, who are very welcome here, that under the government school funding reforms we believe that in the order of $2.6 million more would be made available to that primary school, an increase of 28 per cent, because we think the children in the gallery and children around the country are worth that additional investment. We believe that every child in every school—

Honourable members interjecting—

The SPEAKER: Order! The Prime Minister has the call and, as every speaker in this House has, she has the right to be heard in silence.
Ms GILLARD: And while I might be interjected against when talking about children's education, that happens because the opposition are trying to obscure from the Australian people that they stand for deep cuts in education as opposed to the additional investment we want to make sure goes to every school around the country. We want to see available to schools around the country $14.5 billion of additional investment between state and federal governments, and of course we want to index funds as well with the federal government indexation rate at 4.7 per cent. That is an average in base funding of $4,000 extra for every Australian student and $1.5 million for every school in the country.

Because this is a needs based system, it means that money flows where the need is the greatest. We have released today new data about what our school funding plan would mean for the Northern Territory. Under our plan, the Northern Territory would receive $300 million extra for Northern Territory schools: $205 million for government schools; $95 million for non-government schools. This would enable schools in the Northern Territory to increase the amount of effort they are able to put into children's education. And it would particularly benefit Indigenous children in the Northern Territory because the way in which the loadings work recognise that we can ensure that our Indigenous children get a great education, but it requires extra investment and extra care.

I call on the Chief Minister of the Northern Territory to join with conservatives like Premier O'Farrell in endorsing this direction for our country's future. Our kids are worth it, and we cannot be the strong, prosperous nation we want to be for the future unless we get school funding right. The current model is broken. It is time for Territory Chief Minister signing on to our plan for school improvement. (Time expired)

Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:09): Madam Speaker, my question is to the Prime Minister. I remind her that the price of electricity has increased by 45 per cent on her watch and by 94 per cent since Labor formed government. Given that the carbon tax is due to go up on 1 July and again next year, and extend to diesel fuel for heavy vehicles next year, will the Prime Minister commit to scrapping this increase to give at least some relief to the cost-of-living burden on Australian families?

Ms GILLARD (Lalor—Prime Minister) (14:10): To the Leader of the Opposition: yet again we see the mendacious fear campaign continue. What he is trying to do in this question, as he has done around the country, is pretend to the Australian people that all increases in electricity pricing are somehow due to carbon pricing. That is not true; it has never been true. In pretending that it is true, the Leader of the Opposition is trying to pull the wool over people's eyes. In fact, the Leader of the Opposition has been the person who has been out there refusing to recognise some of the real drivers of electricity costs, refusing to recognise the contribution of the so-called goldplating to the system, not recognising factors—

Mr Pyne: Madam Speaker, I rise on a point of order. The Prime Minister was asked whether she would scrap the increase that is due on 1 July. That is the question she was asked by the Leader of the Opposition. She should answer it.

The SPEAKER: The Manager of Opposition Business will resume his seat. The Prime Minister has the call.

Ms GILLARD: Thank you very much. I was asked a question about electricity prices, and the Leader of the Opposition specifically
used global figures, not figures associated with carbon pricing, and that is the point. The Leader of the Opposition has been out there pretending to the Australian people that every increase in electricity is about carbon pricing. That is not true, has never been true. This is a campaign of falsehood. A mendacious campaign designed to mislead the Australian people.

The Leader of the Opposition well knows, if he wants to be truthful about this, that we have factors in electricity pricing, like the so-called goldplating of the network. He refused to speak about that publicly last year when I was working through, with premiers and chief ministers from around the country, what we could do about the design of the electricity market to make a difference for families. We did work that through. We agreed it in COAG in December, despite the Leader of the Opposition, during an issue of national importance, being out there talking nonsense about electricity pricing. We dealt with the central issues at the Council of Australian Governments in order to provide some relief for families.

Of course if it was just this false claim on carbon pricing, that would be one thing. But the false claims just stack up and stack up and stack up. I remind the Leader of the Opposition that he said during 2012:

I've just come back from China … and the last thing they want to do … is [hit] their people with a carbon tax.

Then he went on to say, 'China is never going to hit themselves with an emissions trading scheme.' As usual on carbon pricing: wrong, wrong and wrong. The Leader of the Opposition is pretending that other countries are not acting, when China has acted and countries around the world are acting. It is the Leader of the Opposition who is left behind with his falsehoods and his fear campaign.

Economy

Ms SMYTH (La Trobe) (14:13): Speaker, my question is to Treasurer. Treasurer, how has Australia built a strong economy in the face of the worst global economic challenge in 80 years? And how will investing in smarter schools and fairer communities make sure we remain strong and prosperous?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:13): I thank the member for that question. Australia does have a combination of economic strengths that are unrivalled elsewhere in the developed world. Australia is the world's twelfth-largest economy. Overnight we have had the G8 meeting in Northern Ireland. I think it pays a little just to think about comparisons between those G8 economies and the Australian economy, because I think this does demonstrate our economic strengths that are not acknowledged—particularly by those opposite.

Mr Hockey: You're doing a great job, Swan!

Mr SWAN: If you look at us compared to, say, the G8 economies, we have grown substantially faster—

Mr Hockey interjecting—

The SPEAKER: The member for North Sydney is warned!

Mr SWAN: than every single G8 economy. Our unemployment rate is lower than every G8 economy bar one, and our debt is a fraction of the debt of the G8 economies. So Australia is in a very different position, and we are in a very different position because our top priority from day one has been to put jobs and economic growth first—and that stands in stark contrast to some of the economic strategies that have been applied in the G8. Vicious austerity programs have not worked in the
G8 and the contrast is there: the Australian economy 14 per cent larger than it was at the end of 2007; the British economy, for example, four per cent lower than it was at the end of 2007.

The contrasts are very clear but, of course, in the face of this evidence, in the face of these facts, those opposite go out and talk our economy down all of the time. One of the areas where they do it is when it comes to the strength of our public finances. Our net debt is 11.4 per cent of GDP—far, far lower than any net debt across the other developed economies—and this low level of borrowings has served as the buffer to enable us to strengthen our economy to support jobs and growth. And, of course, this is acknowledged by most credible participants in our national economic conversation, with the exception of the Tea Party-ers who sit opposite. It is recognised in particular by the major global rating agencies. The three major global rating agencies have got a AAA rating with a stable outlook for Australia. There are only nine countries in that category, of which Australia is one.

So we have promoted jobs and growth in this country, and our approach stands in stark contrast to that of those opposite who say they will take out the axe and they will viciously cut public expenditure, particularly when it comes to health and education and the impact of that on jobs. We also understand that in this environment it is important to invest for the future, to invest for the prosperity of tomorrow, which is why we are focused on investment in education—once again opposed by those opposite, thereby demonstrating they have not got a clue about economic growth—(Time expired)

**Automotive Industry**

**Mrs MIRABELLA** (Indi) (14:16): My question is to the Prime Minister. I remind the Prime Minister of the Holden managing director's statement that 'there is no question that a tax on electricity, in making it more expensive in input costs,' is making it more difficult to build cars and it goes on to say that is a black-and-white thing. Will the Prime Minister scrap the increase in the carbon tax on 1 July to provide at least some relief for manufacturing businesses anxious to keep their doors open and their workers in jobs?

**Ms GILLARD** (Lalor—Prime Minister) (14:17): I thank the member for her question and I can assure her that this government is very focused on manufacturing, very focused on car making and consequently very focused on the future of Holden because we understand how important car making is to the Australian economy and to the million Australians who work in manufacturing, and we understand how important Holden is to the economy of South Australia, which is why I was very disturbed when I read in the Adelaide Advertiser that Matt Hobbs, the head of government affairs at Holden, said that they would cease manufacturing if there was any reduction in taxpayer support. Of course, that is the policy of the member who asked the question and of the opposition. As to what they have said, indeed the member who asked the question has said this directly and I quote her own words. She said:

"We have to end this embarrassing cap-in-hand approach to government and secret deals behind closed doors," …

**Mr Pyne:** On a point of order, Madam Speaker: the Prime Minister is varying greatly from the question, which was about scrapping the carbon tax increase on 1 July, and, as much as she would like to, she has to address that question.

**The Speaker:** The Manager of Opposition Business will resume his seat. The Prime Minister can answer the entire question that has been asked.
Ms GILLARD: I was asked a question about support for jobs at Holden and I am answering that question about support for jobs at Holden. Yes, this government will support jobs in car making. Yes, we will continue the co-investments we have agreed to with Holden. Yes, we will do everything we can to resist the opposition's plan to rip half a billion dollars away from that industry support and to cost 2,000 hardworking Australians their jobs. That is the big risk in South Australia and that is the big risk at Holden. If the opposition were ever elected it would cost those South Australians their jobs. Of course, if you pull the plug on Holden in South Australia, as the opposition is intending to do, you not only pull the plug on those direct car making jobs; you pull the plug on thousands and thousands of other jobs in South Australia and in the supply chain. So let me be very clear to the member from Indi that we will never endorse her reckless plan to see those thousands of Australians thrown on the unemployment scrapheap.

Now, when it comes to carbon pricing and manufacturing, the member for Indi and the Leader of the Opposition have consistently engaged in a campaign of fear about this. The claims they have made are actually untrue. The dollar claims they have made about car making are absolutely untrue, and anybody who knows about car making recognises that the big pressures on car making in this country are the strength of the Australian dollar and what that does for competitiveness. So we will focus on the real issues and we will focus on Australian jobs because that is what Labor governments do.

**Climate Change**

Mr BANDT (Melbourne) (14:21): My question is to the Prime Minister. Earlier this week the government's Climate Commission issued a report outlining some sobering facts about global warming. Prime Minister, does the government accept the facts in the report that 'burning all fossil fuel reserves would lead to unprecedented changes in climate so severe that they will challenge the existence of our society as we know it today' and that 'most fossil fuels must be left in the ground and cannot be burned'? Given these facts, why is the government continuing to expand the export coal industry?

Ms GILLARD (Lalor—Prime Minister) (14:21): I can assure the member for Melbourne that I am aware of the updated *Critical decade* report of the Climate Commission that shows that there is stronger evidence than before of rapidly changing climate—that is, there is stronger evidence than before of dangerous climate change. The government, understanding that climate change is real, that it is caused by human activity, has already put in place the policies and plans to tackle dangerous climate change—that is, we have recognised that the best way of reducing carbon pollution is to put a price on carbon.

The member for Melbourne knows that in this parliament this has been a very vexed debate, even though the Leader of the Opposition and so many people who sit behind him sat in the Howard government cabinet and said that, yes, they believed in putting a price on carbon and that they, the Leader of the Opposition and so many others on the front bench, went to the 2007 election, saying that they believed in putting a price on carbon and that if they were re-elected they would create an emissions trading scheme.

But, unfortunately, instead of following through with that Howard government policy design in opposition and maintaining their beliefs, the opposition have gone for the cheap and reckless politics that we have seen played out in our nation since. Even today...
we have seen the opposition talking about carbon pricing. I was actually astonished that the shadow Treasurer would come into this parliament and ask about comparative pricing of carbon with nations overseas when for most of this parliament the opposition have marched into this chamber pretending that no-one else in the world prices carbon. Well, there is that shattered by themselves today. They now acknowledge that other people price carbon. So what is their remaining argument? Other people price carbon, so that is gone. They have acknowledged that today. They were interjecting instead. Apparently they have got some issues about the price, not recognising of course that for our trade exposed sectors the effective carbon price is $1.30.

To the Leader of the Opposition and to those who peddle the nonsense on that side of the parliament, can the Leader of the Opposition say—will he ever say, will he say in this parliament or anywhere else—that the plan that they have costs the Australian community less per tonne of carbon pollution removed from our atmosphere than the government's plan? If he is saying that—and apparently he is—then he ought to produce some facts and figures that stack that up, because that claim is patiently absurd. He is asking the nation to pay more to deal with dangerous climate change. We stand for the most efficient way of doing it, as did Prime Minister John Howard.

Manufacturing

Mr CHAMPION (Wakefield) (14:24): My question is to the Minister for Climate Change, Industry and Innovation. Yesterday the minister outlined some of the challenges faced by the manufacturing sector due to tough global economic circumstances. What other challenges are there to Australian manufacturing jobs?

Mr COMBET (Charlton—Minister for Climate Change, Industry and Innovation) (14:25): I thank the member for Wakefield for his question, because manufacturing is an absolutely fundamental part of the Australian economy. It employs about one million people in well-skilled and high-paid jobs. The manufacturing sector, as the Prime Minister indicated earlier, has been experiencing pressures from things such as the high value of the Australian dollar and intense international competition. That is why the government has put in place a series of policy measures to support the industry: things like the Steel Transformation Plan and targeted assistance for particular industries and firms—the $5.4 billion New Car Plan and our $1 billion Plan for Australian Jobs.

But there are greater risks to manufacturing in this country—from the job-cutting policies of the opposition. They plan to cut assistance, for example, to the motor vehicle manufacturing sector by $500 million over the next two years and place great uncertainty over a further $1½ billion in assistance after 2015. All of that is at risk under the stated policy of the coalition. That is a policy that would kill Australia’s motor vehicle manufacturing industry stone dead.

Mrs Mirabella interjecting—

Mr COMBET: The member for Indi must know it. The industry would be telling the member for Indi that that policy will destroy tens of thousands of jobs.

Mrs Mirabella interjecting—

Mr COMBET: And that is not some piece of political rhetoric; that is the reality of the policy position—

The SPEAKER: The minister will resume his seat. The member for Indi is well aware she cannot make that claim in the House. She will withdraw! The member for Indi is now defying the chair! Member for Indi will withdraw!
Mrs Mirabella: I withdraw.

The Speaker: The member for Indi has been asked to withdraw that now on numerous occasions and she should be aware that continuing to do it is a complete disregard of the standing orders. The minister has the call.

Mr COMBET: General Motors Holden have made this position extremely clear in the comments that they have been making over the last week or so—that is, that, if the coalition's cuts to assistance to motor vehicle manufacturing were put into place, Holden would cease manufacturing in this country. That puts thousands of people's jobs at risk under the coalition's policy. It is clear and unequivocal. Over $1 billion of investment by General Motors in their Australian operations has been put at risk because of that coalition policy. That means job security is undermined and now pay cuts are on the agenda.

That is the coalition's policy in action: funding cuts, job cuts, pay cuts, slashing funding, smashing jobs and destroying job security. That is the coalition. That is what we have learned from coalition governments in the past. I had plenty of experience of it in my former work as a union official. The coalition always cuts funds, cuts jobs and slashes pay. That is what you are doing in the auto manufacturing sector in this country with your policy. You should rip it up, chuck it out and do the right thing. (Time expired)

Carbon Pricing

Dr SOUTHCOTT (Boothby) (14:29): My question is to the Prime Minister. I remind the Prime Minister of the Holden Managing Director's response when asked what would happen if the carbon tax was removed. He said:

There will be a benefit, our costs being lower in this country, no question.

Will the Prime Minister scrap the increase in the carbon tax on 1 July to show her support for the workers in manufacturing who are anxious about whether they will keep their jobs?

Ms GILLARD (Lalor—Prime Minister) (14:29): To member for Boothby: as the last question was answered to the member for Indi, so I answer it to him. I do ask him, as a South Australian member in this parliament, how he can sit in all good conscience and back the Leader of the Opposition's plan to rip half a billion dollars out of industry assistance, knowing as we know now from the words of Holden that, if that occurs, 2,000 people working for Holden will lose their jobs. The member has asked me a question about the jobs at Holden—

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

Dr Southcott: Speaker, I rise on a point of order on relevance. My question was about scrapping the increase in the carbon tax on 1 July.

The Speaker: The Prime Minister has the call and will be relevant to the question before the chair.

Ms GILLARD: I was asked about jobs and I am answering about jobs. Let me be very clear to the member for Boothby, who really ought not to be following the Leader of the Opposition down this path, given that he represents South Australia in this place. For all of the false claims that have been made about carbon pricing and car making, the truth is that the impact of carbon pricing on car making is less than a variation of half a cent in the value of the Australian dollar—that is, it is a very minor impact. What it means is that the major impact that is weighing on car making in this country is the strength of the Australian dollar—the fact that we have seen a 50 per cent appreciation in our currency over the last few years. That
means that you actually need to have sophisticated, thought-through policies about how to hold manufacturing in this country and not have our economy hollowed out. That means you need to focus on the pivotal role of car manufacturing, because car making is such a bringer of the skills and capacities that you need to sustain manufacturing generally.

Anybody who has ever walked into a manufacturing establishment and asked the workers there where they came from and where else they have worked will have met person after person who got their start and their skills in car making. That is why it is important. That is why this government has taken a co-investment approach, that is why we are working to hold the jobs at Holden and that is why we are so bitterly opposed to the plan of the member for Boothby to destroy 2,000 South Australian jobs—and his constituents ought to know it. He is standing behind the Leader of the Opposition’s plan to end 2,000 jobs directly in South Australia and thousands upon thousands beyond that—something that would hurt the families of Boothby, something that would hurt the people of South Australia, something that would hurt the Australian economy and something that would bring particular devastation to those individual workers. In all good conscience, the member for Boothby should say to the Leader of the Opposition and the member for Indi that he will not support this job-destroying plan. (Time expired)

The SPEAKER: Does the member for Boothby have a supplementary?

Dr Southcott: No, I am seeking to table the comments of the Holden Managing Director on the impact of the carbon tax on the car industry.

Leave not granted.

DISTINGUISHED VISITORS

The SPEAKER (14:32): Just before I call the member for Werriwa, I want to welcome to the gallery this afternoon members of a parliamentary delegation from Sri Lanka led by the foreign minister, Minister Perera. I welcome them to the gallery this afternoon.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Migration

Mr LAURIE FERGUSON (Werriwa) (14:33): My question is to the Minister for Immigration and Citizenship. Will the minister update the House about the government’s effort to reform the 457 visa structure to build fairer workplaces for all working Australians? Are there any impediments to doing that?

Opposition members interjecting—

The SPEAKER: Order! There are certainly impediments to the minister getting the call!

Mr BRENDAN O’CONNOR (Gorton—Minister for Immigration and Citizenship) (14:34): I thank the member for Werriwa for his question. He, of course, cares about ensuring that young people and unemployed Australians in his electorate get an opportunity, and that is why we need to reform the 457 visa scheme. It has been identified that there are deficiencies in the scheme that would ensure that, if we were not to reform this scheme, there will be Australians that miss out on jobs.

This government will not allow that to happen. For that reason, we announced the reforms that are before the parliament to ensure that those deficiencies in the current scheme will be fixed, so that employers look locally first. We can have a discussion and a debate about this—and there will be attempts by those opposite to deflect and distract on
things that are not relevant to the debate—but, when it all boils down to it, this comes down to whether employers look locally first.

It is this government's view that the very important temporary skilled scheme should be used, but it should be used when there are legitimate shortages in our economy. For that reason, the reforms will not be going to capping the scheme; they will be based on the legitimate shortages wherever they exist in the labour market. They will have to ensure that the skills shortages are legitimate and needed, and that can only be done by testing the market—

Mr Pyne: Speaker, I rise on a point of order—and it is a valid point of order—that goes to direct relevance. The question went to the issue of the legislation the government has before the House on 457 visas. So to be fully relevant, I hope the minister will let us know when that bill will be put to a vote.

The SPEAKER: The Manager of Opposition Business has yet again proved his complete contempt for the standing orders. That was an abuse of a point of order, and the Manager of Opposition Business is warned!

Mr BRENDAN O'CONNOR: There have been attempts by those opposite to distract from this debate by suggesting that the reforms are discriminatory. They are not discriminatory. We have a non-discriminatory immigration policy, and, as a migrant, I find it deeply offensive that people would suggest that we would do anything other than ensure that we recognise the contribution that immigration makes and continues to make to this country. This is about ensuring that local workers get an opportunity. This is about ensuring that young Australians that are going through training get an opportunity first. This is about ensuring that graduates that come out of university are offered entry-level, professional jobs before they are sought overseas. We should not be doing anything other than supporting these reforms, because they will ensure that, yes, the scheme will operate effectively, but it will also ensure that there is a legitimacy behind the applications. Currently that is not the case. It is quite surprising that the opposition choose not to support Australian workers and young Australians in getting opportunities—

The SPEAKER: Order! The minister will resume his seat. The member for Barker on a point of order—other than relevance.

Mr Seeker: It is on standing order 77, 'Anticipating discussion': During a debate, a Member may not anticipate the discussion of a subject listed on the Notice Paper and expected to be debated on the same or next sitting day.

In actual fact, it has been anticipated.

The SPEAKER: The member for Barker will resume his seat. It is not applicable during question time. The minister has the call and is being relevant to the question.

Mr BRENDAN O'CONNOR: These are the sorts of games we expect from the opposition. They do not want to talk about this matter, because in the end they are not concerned about Australian workers. This is the party of Work Choices trying to prevent opportunities for Australians. This is the party of Work Choices trying to deny young graduates entry-level professional jobs. These reforms are necessary to ensure they have those opportunities, and I would call upon the parliament to support reforms.

Asylum Seekers

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:38): My question is to the Prime Minister. I refer the Prime Minister to her answer yesterday when she sought to excuse breaking her 2002 promise to turn back the boats because
people smugglers changed the way they worked'. How does the Prime Minister reconcile her answer with the statement of the then Leader of the Opposition, the member for Griffith, before the 2007 election: 'Labor's policy is that if people are intercepted on the high seas then those vessels should be turned around'—or didn't she support that promise in 2007?

Mr Albanese: Speaker, on a point of order: argument upon argument upon argument. That question is clearly out of order.

Mr Pyne: Madam Speaker, on the point of order: I am trying to assist the House, and assist you as well in particular. The reason the question, of course, is relevant to the Prime Minister and is not an argument is that the current Prime Minister was then the Deputy Leader of the Labor Party and would, you would assume, have signed up to the promises of the member for Griffith, who was then the Leader of the Opposition. That is why we are asking that question.

Mr Albanese: Speaker, further to my point of order: that just proves my first point.

The SPEAKER: The question contained substantive argument but, given the standards that we have been seeing over question time, it is within the range. I will allow the question, but I will listen carefully to the Prime Minister's answer.

Ms GILLARD: To the Deputy Leader of the Opposition: I believe that in question time yesterday she put to me a quote of mine from 2002. She is now putting to me a statement of the then Leader of the Opposition, Mr Rudd, in 2007. To the Deputy Leader of the Opposition: this is 2013, and so both of those statements are in the past. Yesterday I referred to the challenge of contemporary circumstances. I know coping with the modern age might be too much for the opposition.

Mr Dutton interjecting—

The SPEAKER: The member for Dickson! I have allowed this question; I thought you would like to hear the answer.

Ms GILLARD: Coping with the modern age might be too much for the opposition. They might be unable to contemplate anything that has happened since 2007.

Mr Abbott interjecting—

Ms GILLARD: But let me assure the Leader of the Opposition, who interjects now, and the Deputy Leader of the Opposition that, of course, during the modern age we need to deal with modern facts. Among the modern facts we need to deal with is that the Indonesian government have wholeheartedly repudiated the statements made by the Deputy Leader of the Opposition when she has pretended to have an arrangement with them. They have repudiated her shallow attempts to try and pretend to the Australian community that she has some special deal with Indonesia.

I would also refer her to the fact that people who actually know about these matters—that is, not the Leader of the Opposition, not the Deputy Leader of the Opposition and not people who sit here in the comfort of this parliament but people who actually go out on the high seas for the Australian nation, like Chris Barrie, former Chief of Navy, and have had to command others who have done this dangerous and difficult work—are now providing, in the modern age, in contemporary times and indeed, when I refer to former Admiral Chris Barrie, as recently as 17 June, advice about how this would put ADF personnel at risk.

I ask the Leader of the Opposition and the Deputy Leader of the Opposition: on a policy area of importance, on something as
important as safety at sea for our ADF personnel, could they try and be a little bit better than this. Could they try and be a little bit better than these cheap and silly games. There they sit, with absolutely no answers, day after day insulting Indonesia and day after day insulting those who actually have expertise on the high seas, with absolutely no policies and absolutely no plans, mired in this kind of frivolous conduct, whilst we get on with the important work of doing what the nation needs done, including in the area of refugee and asylum seeker policy, where day after day they sit there and use their negativity to try and deny the nation the best approaches. (Time expired)

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:43): Speaker, I ask a supplementary question to the Prime Minister. Will the Prime Minister travel to Indonesia and personally hold official talks about solutions to the problem of people smuggling—

Honourable members interjecting—

The SPEAKER: Order! Could I ask the Deputy Leader of the Opposition—

Mr Perrett interjecting—

The SPEAKER: Order! The member for Moreton! The Deputy Leader of the Opposition has the call and will commence her question again, during which she has the right to be heard in silence.

Ms JULIE BISHOP: My supplementary question is to the Prime Minister. Will the Prime Minister travel to Indonesia and personally hold official talks about solutions to the problems of people smuggling created since 2008 by this government abandoning the Howard government's policies that worked?

Ms GILLARD (Lalor—Prime Minister) (14:43): To the Deputy Leader of the Opposition's question: of course I do discuss these issues with Indonesia. I have personally discussed these issues with the President of Indonesia. Let me say to the Deputy Leader of the Opposition: I had the guts to talk through the government's policies with the President of Indonesia. When the Leader of the Opposition had his opportunity in Darwin during the annual leaders summit between me and President Yudhoyono, he lacked the guts.

Mr Entsch interjecting—

The SPEAKER: Order! The member for Leichhardt is warned. The Deputy Leader of the Opposition has the call.

Ms Julie Bishop: Speaker, on a point of order: I am seeking an answer from the Prime Minister as to when she will go to Indonesia and personally hold talks to solve problems caused by her government.

The SPEAKER: Order! The Deputy Leader of the Opposition will resume her seat. The Prime Minister has the call.

Ms GILLARD: When we do talk to Indonesia we have the guts and the truthfulness to talk about government policies. When the Leader of the Opposition did that he had been round the country beating his chest. He campaigned in 2010. 'Stop the boats,' he said wherever he went, 'I believe in turning boats around.' When he sat in a room with the President of Indonesia, what did he do? Not one word about turning boats around passed his lips. He lacked the guts because he knew that the President of Indonesia would just have said no and therefore he knew in that moment that this silly game of 'stop the boats' would have been over. Instead of having the guts to actually put his position, to listen to what the President of Indonesia had to say, he basically sat silent. Well, the people of Australia should judge that. If he does not have the guts as the Leader of the Opposition to say this to the President of Indonesia then,
if ever he is Prime Minister, he never will. 'Stop the boats' is a slogan, nothing more, nothing less. *(Time expired)*

**National Plan for School Improvement**

Mr ADAMS (Lyons) (14:45): My question is to the Minister for Regional Services, Local Communities and Territories. How would the government's National Plan for School Improvement help children and young people in rural and regional communities to get a world-class education? Is there any opposition to this support?

Ms KING (Ballarat—Minister for Road Safety, Minister for Regional Services and Local Communities and Territories) (14:46): I particularly thank the member for Lyons for his question and acknowledge his long-term advocacy for regional communities and for the transformative effects of education. It gives me the opportunity to talk about the importance of the National Plan for School Improvement to our regional communities, our $14.5 billion plan which builds on Labor's long-term commitment to education. It builds on our capital investments that were made through the Building the Education Revolution and that are mocked by the other side of this chamber. Those have seen transformative effects in our regional schools—small classrooms being built, libraries across the country, sporting facilities and language centres. It builds on our national partnership program, which particularly has helped regional schools lift their literacy and their numeracy rates.

The National Plan for School Improvement, in particular, sees some $6 billion in additional funding that will benefit regional, remote and very remote schools. That is 40 per cent of the additional funding that will go to regional, remote and very remote schools because it is a model that is based on need. Those of us who represent regional communities know that there is a disproportionate number of disadvantaged students in our regional, remote and very remote schools. We also know that the National Plan for School Improvement has both a location loading and a size loading, which means that there will be significant benefits for regional schools in that additional funding.

Why is it important? We know it is important because OECD studies show that 15-year-old metropolitan students are the equivalent of 1½ years ahead of students in our remote schools across all measures of reading, of mathematics, of science and of literacy. I know the members opposite do not seem to be particularly interested in what this means for regional schools, but certainly those of us who represent regional communities are interested. We know that on NAPLAN testing, metropolitan kids are ahead on reading levels of kids in regional areas and in remote areas, and in very remote areas as well. We know that is important because we want our kids in regional communities to have every opportunity to have high-skilled, high-growth jobs. That is incredibly important. We know that location loading can be used for extra teachers, for specialist teachers, for better equipment and for all of those things that are incredibly important for regional students.

On this side we know the transformative nature of education: our investment in the early years and our investment in uncapping university places. We know that what we are going to see under an Abbott government is not some $14.5 billion plus $6 billion extra for regional schools, but cuts to education—$16.2 billion worth of cuts to education, and that is bad for regional students. I call on the Victorian premier to support the education of our regional students, particularly given that he represents a regional community in Victoria.
DISTINGUISHED VISITORS

The SPEAKER (14:48): I would like to welcome into the gallery this afternoon the Hon. John Trainer, the former Speaker of the House of the Assembly in South Australia, and one of our current mayors who have been visiting us this week. Also present are a group of Indigenous women who are participating in a program in the parliament this week. We welcome them to the House this afternoon.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

National Security

Mrs ANDREWS (McPherson) (14:49): My question is to the Prime Minister. I remind the Prime Minister of her first statement on border protection as Prime Minister:

I can understand that Australians are disturbed when they see boats arrive on our shores unannounced. … They want strong management of our border and I will provide it.

Given that since then more than 580 boats carrying 37,900 illegal arrivals have entered Australia unannounced, will she swallow her pride and reinstate the policies of the Howard government, that worked?

Ms GILLARD (Lalor—Prime Minister) (14:50): To the member who asked the question, what she ought to recognise is that this government came to this parliament following a High Court case and asked for this parliament to put the government in the same position the Howard government had been in in terms of powers relating to asylum seekers. We came to this parliament following a High Court ruling and said, 'We believe the government of the day should have the same powers available to it as the Howard government had.' And the Leader of the Opposition and the opposition generally decided to vote no to that. They decided to vote no to the government of the day having the same powers as the Howard government.

Opposition members interjecting—

Ms GILLARD: There is a lot of screaming and carrying on, but that is the truth. To the member who asked the question, I say simply this: why did she come into this parliament and put her hand up for more boats? Why did she follow the Leader of the Opposition's lead and come in and put hand up for more boats? Then on alternatives to the current government's policy: what does she think the Leader of the Opposition means when he says, 'Stop the boats?' Actually these days he does not really say, 'Stop the boats.' Now he kind of shambles around and says, 'If I were ever Prime Minister, maybe some time after a few years I might be able to make some little bit of difference.'

That is the current policy of the opposition. Why is the policy in that form? Because the Leader of the Opposition knows the things that he has put at the centre of the policy cannot be delivered. He knew that when he walked into the room with President Yudhoyono of Indonesia and refused to mention his policy to turn boats around. Then he tried to shamble in front of the media and was caught out.

The member who asked the question might then ask herself, 'If the Leader of the Opposition can't mention that policy when he's Leader of the Opposition, what on earth would lead anybody to believe he's going to mention it when he's the Prime Minister if he's ever elected?' The Leader of the Opposition knows that at the centre of his so-called 'stop the boats' policy is an act of dishonesty, an act of trying to fool the Australian people.

The Deputy Leader of the Opposition tried to add to that too, pretending she had a secret arrangement with Indonesia, and was
repudiated by all. The member for Wentworth is being sent out on ABC TV trying to pretend that he supports this policy; but, once he was challenged about whether or not this would be unsafe if you did not get Indonesia's agreement—of course, there is no prospect of that—he said, 'Yes, it would be unsafe to do so.'

Stop this mendacious campaign. Stop sending your backbenchers in to ask ridiculous questions. You know it is a fraud.

(Time expired)

Carbon Pricing

Mr PERRETT (Moreton—Government Whip) (14:53): My question is to the Minister for Climate Change, Industry and Innovation. Will the minister update the House on international action to tackle climate change and international carbon markets? How do the most recent developments compare with predictions?

Mr COMBET (Charlton—Minister for Climate Change, Industry and Innovation) (14:54): I thank the member for Moreton for his question because, as the House heard earlier, overnight China started its first emissions trading scheme to reduce carbon pollution in the large southern city of Shenzhen. It is an extremely important development. They have started an emissions trading scheme. They have introduced carbon pricing into their economy. Carbon pricing in China. The Leader of the Opposition said it would never happen—no way in the world. After his insightful visits to China, he really got a good word, really got an insight into what was going on! Yet again the Leader of the Opposition is totally wrong. How humiliating to go visit our No. 1 trading partner, spread mendacious rubbish about their plans, tout that to the Australian community and deceive them.

The fact of the matter is that China is introducing emissions trading schemes to put a price on carbon. Like Whyalla, Shenzhen city has not been wiped off the map. I am reliably advised that Shenzhen is doing just fine today. The lights are on. People are going to work. People are going to shop for groceries. There have not been unimaginable price increases. In fact, I am reliably informed the price of a roast duck has not skyrocketed to $100 as some fool like Senator Barnaby Joyce might have predicted. This is extremely important. The stock market has not crashed either. In fact, the stock market closed up on the first day of emissions trading.

Ms Julie Bishop: Madam Speaker, I rise on a point of order. If we are to have any decorum in this place, perhaps the member could withdraw his very unparliamentary reference to Senator Joyce.

The SPEAKER: The minister has the call.

Ms Julie Bishop: Madam Speaker, I ask that you ask him to withdraw the unparliamentary reference to a senator in the other place.

The SPEAKER: Order!

Ms Julie Bishop: Madam Speaker, if this word is not withdrawn then we can take it that this will be the parliamentary standard that is applied in this place.

The SPEAKER: The Deputy Leader of the Opposition will resume her seat. As I have stated on more times than I care to recall, if you want to have a dictionary of
'unparliamentary', I am not sure any of us will ever utter anything again in this chamber. I had asked the member for Indi earlier to withdraw the one word that we consider to be unparliamentary. The rest is taken within the context. I was struggling myself to see the context; but, to assist the House, I will ask the minister to withdraw.

Mr COMBET: I withdraw.

The fact of the matter is that the scheme that started in Shenzhen overnight covers about 600 companies responsible for about 40 per cent of their greenhouse gas emissions. It is important that the House be aware that China intends to launch further emissions trading schemes like this in this year in places like Beijing, Tianjin and Shanghai.

Mr Hockey interjecting—

Mr COMBET: I am asked by the member for North Sydney for the price. I understand the units traded for about $5 overnight compared to an Australian business that is emissions intensive and trade exposed experiencing an effective carbon price of just $1.30 a tonne. That is the price you should be comparing it to. The economics of it is a bit complex, and I know the member for North Sydney struggles with numbers, but he tries his best.

Really, the claims of the Leader of the Opposition about the action taken by China are ridiculous. He said, 'China is never going to hit themselves with an emissions trading scheme'—absolutely wrong. More mendacious claims. The fact of the matter is that the rest of the world is tackling climate change, Australia is working with them and we will remain committed to it. You are looking increasingly silly. (Time expired)

DISTINGUISHED VISITORS

The SPEAKER (14:59): Before I recognise the member I welcome to the chamber Kerry Chikarovski, the former leader of the New South Wales Liberal Party. I know she often visits us during question time. I would have thought she'd have had enough of it by now!

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mrs BRONWYN BISHOP (Mackellar) (14:59): My question is to the Prime Minister. I remind her of the statement she made on the night she became Prime Minister: 'A good government had lost its way. We needed to make sure that we addressed these problems and I was the best person to take charge of that to get it fixed.' Given that since then more than 580 boats carrying 37,900 illegal arrivals have entered Australia unannounced, does the Prime Minister believe she has honoured her promise to Australian families?

Ms GILLARD (Lalor—Prime Minister) (15:00): Yet again, with an important issue, here we see the cheapest of politics being played. The member who asked the question came into this parliament and voted for more boats—that is what she did. She voted to deny this government the powers the Howard government had to address refugee and asylum-seeker issues. And, yes, she should be ashamed of that. The Leader of the Opposition should be ashamed of that. Every member of the opposition should be ashamed of the way they decided to go for the politics rather than Australia's national interest. Indeed, they should be listening to people like the former minister for immigration—

Mrs Bronwyn Bishop: Madam Speaker, on a point of order: to be directly relevant the Prime Minister must address the substance of the question I asked and not merely give us a farrago of mendacities.
The SPEAKER: The Prime Minister has the call.

Ms GILLARD: I thank the member for proving my point: that if there is ever a choice between national security or the playing of the cheapest and ugliest politics, they are there with the cheapest and ugliest of politics. But there was one member of the opposition who has had experience in this matter and whose words should be listened to, and that is the former minister for immigration, Mr Philip Ruddock, who actually has talked during the life of this parliament about the complexity of this issue. He said:

You're going to have to use all of the measures that we used—a reference to the Howard government policies—then you'd be looking around to see what more you could do.

His words. And when this government came into this parliament with a proposal to do more, with a proposal to do something differently, with a proposal to work with Malaysia, the Leader of the Opposition said, 'No, I don't want to see a difference made to the number of people arriving in Australia by boat, I want to vote for more boats.' That is what the Leader of the Opposition said.

Having voted for more boats, is the Leader of the Opposition the custodian of the solution? Well, did he put a solution to President Yudhoyono? No, he did not. Is he saying to the Australian people now that he will 'stop the boats'? No, he is not. He is saying: 'Sometime in the future, if I am ever Prime Minister, I might seek to make a difference by the final year of the first term.' He does not say any longer that you can rely on him to 'stop the boats'. And that is because the Leader of the Opposition—who turns his back because he does not want to face up to all of the ridiculous claims he has made in this area—knows he does not have anything that resembles a policy. He does not even have a slogan anymore.

Indonesia has repudiated him and the Deputy Leader of the Opposition. They have no policy. They have no plan. Defence Force experts have repudiated him and the things that he has claimed. They have no policy. They have no plan. This is a fraud—that's all it is.

Local Government Infrastructure

Mr MITCHELL (McEwen—Government Whip) (15:03): My question is to the Minister for Infrastructure and Transport and Minister for Regional Development and Local Government. How is the government building stronger regional and local communities across Australia and delivering infrastructure they need to support jobs and growth?

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (15:03): I thank the member for McEwen for his question. This week I have had the pleasure of spending time with representatives of local government who are here for the ALGA national assembly. On Sunday the Prime Minister and I hosted the Australian Council of Local Government, attended and spoken at by Senator Barnaby Joyce on behalf of the coalition, and today I spoke to the ALGA national assembly on their final day.

A great example of us working with local government to deliver community infrastructure projects is through the Regional Development Australia Fund and also through the Liveable Cities Program, and today I announced a new round of funding for local governments. The government will fund $105 million to regional and rural councils through the
Regional Development Australia Fund and $45 million to urban councils from the Liveable Cities Program. All councils and shires will share in this funding based upon the formula for financial assistance grants done by the Grants Commission.

So, it is on a needs basis. Importantly, it is not in Canberra that what is good for local communities is being determined; it is local communities through their elected local representatives determining the priorities. The funding is for shovel-ready projects so that councils can kick-start additional economic activity in regional and local communities, creating jobs in construction but also creating better communities and improving the capacity for councils to upgrade swimming pools, ovals, libraries, arts centres, theatres, childcare centres—the range of services that are provided by local government in modern Australia.

This is just one example of why it is important that the federal government continue to be able to offer funding directly through local government and why our Constitution should recognise the reality of modern Australia: that we have three tiers of government and that local government is uniquely positioned to be able to determine the local priorities at the local level. That is why the referendum on 14 September is important. It is important that our modern Constitution reflect the modern reality of Australia and our governance structures, but it is also important to put beyond doubt the ability of the federal government to partner on programs such as these: the Roads to Recovery program, the heavy vehicle safety program, the Black Spot Program. We need to make sure that the yes vote is carried in the referendum and I look forward— (Time expired)

Asylum Seekers

Mr MATHESON (Macarthur) (15:07): My question is to the Prime Minister. I remind the Prime Minister of the government’s commitment to respond by mid-June to the request by state and territory police for access to the address details of people who arrived illegally by boat and have been released into the community. Can the Prime Minister confirm that despite her commitment to do so, the government has yet to provide those address details to the state and territory police so they can do their job?

Ms GILLARD (Lalor—Prime Minister) (15:07): I thank the member for his question. I can confirm that the federal government’s agencies are working with state and territory police on the provision of that information.

Superannuation

Mr LYONS (Bass) (15:07): My question is to the Minister for Employment, Workplace Relations, Financial Services and Superannuation. How is the government helping lower-paid Australians build a stronger and more financially secure retirement? What other policies are there and what would be their impact?

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (15:08): I would like to thank the member for Bass for his question. He like everyone else in the Labor Party is interested in low-income workers and what we do for their retirement savings. He may be aware that there are 425,000 shop assistants in Australia who earn less than $37,000 and there are 83,000 cleaners and laundry workers and 185,000 Australians who work in hospitality and food preparation. All of these people earn less than $37,000 a year. In fact there are 3½
million Australians who earn less than $37,000 a year.

That is why on 1 July 2012 it was Labor who axed the tax on superannuation taxes for people who earn less than $37,000 a year. No longer in Australia, if you earn less than $37,000, do you pay a 15 per cent tax on your superannuation. In fact, in the next two months 3½ million Australians who work part time or full time and earn less than $37,000 are going to get more money in their superannuation, and for one reason—the Labor government.

I have been asked, though, whether there are any bad policy ideas out there and, just as our axing the tax is a good idea, there is a bad idea. The bad idea had its most recent run in the paddock courtesy of the Leader of the Opposition in his reply to the budget speech when he said that he will introduce a great big new tax on the superannuation—

Honourable members interjecting—

Mr SHORTEN: The Leader of the Opposition said on 16 May that there would be a great big new tax on the superannuation contributions of people who earn less than $37,000. This is a bad policy for three simple reasons. Firstly, a person who earns $37,000 pays an effective tax rate on their income of about 9½ per cent—fair enough. But if the Liberals were elected, they would pay 15 per cent on their super. What economic genius in the coalition said it was better for low-paid workers to pay more tax on their super than on their take-home income?

But it does not stop there. There is another bad reason for this 15 per cent coalition tax. It is that 2.2 million Australians earning less than $37,000 are women. Women already have a gender pay gap. Women already do not get the chance to save as much money as men for retirement. But do you think that part-time women workers? Not at all. They want to put a new tax. But of course the real problem in what they are proposing is not that they want to rob shop assistants or cleaners or kitchen hands—that is bad enough, but that does not convince them. It is that they want to hand back billions of dollars to multinational mining companies. This is the problem. We want to axe the tax on low-paid workers—they want to rob them. We want multinational mining companies to pay some of their returns to all of Australia—they want to give it back. Hands off our superannuation.

Opposition members interjecting—

The SPEAKER: Order! The member for North Sydney might get a newsflash very quickly.

Ms Gillard: I ask that further questions be placed on the Notice Paper.

DISTINGUISHED VISITORS

The SPEAKER (15:11): I inform the House that we have present in the gallery this afternoon Sir Michael Hirst, Chair of the International Diabetes Federation, and I welcome him to the House today.

Honourable members: Hear, hear!

PERSONAL EXPLANATIONS

Mr ABBOTT (Warringah—Leader of the Opposition) (15:11): Madam Speaker, I wish to make a personal explanation.

The SPEAKER: Does the Leader of the Opposition claim to have been misrepresented?

Mr ABBOTT: Yes, grievously and serially.

The SPEAKER: Please proceed.

Mr ABBOTT: The Prime Minister today said that I had blocked the Malaysian people-swap legislation. This is false. It was never actually put to the parliament.
Mr RUDDOCK (Berowra) (15:12): In relation to the comments of the Prime Minister in relation to me—

The SPEAKER: Does the member for Berowra claim to have been misrepresented?

Mr RUDDOCK: Absolutely.

The SPEAKER: The member for Berowra has the call. Please proceed.

Mr RUDDOCK: The Prime Minister correctly acknowledged that I have said that the Howard government solutions are not a menu that you can pick and choose from and all must be implemented to deal with this issue. I do acknowledge, given the size of the problem with something like 35,000 unlawful, that more might need to be done, but I have said in relation to the Malaysian solution, as it is called, that it is seriously flawed and would not work as proposed by the government.

QUESTIONS TO THE SPEAKER

Automotive Industry

Mrs MIRABELLA (Indi) (15:13): The question I would like to ask you relates to this. On multiple occasions members on this side of the House have been required to make public statements and personal explanations in response to the same or very similar claims made here on a repeated basis by the minister for industry. This is because the minister persists in making inaccurate assertions about the coalition's policies in relation to the car industry, our manufacturing policy and the particularly patently false claims that we have announced that we intend to cut all funding to the industry after 2015 and that we would end all car manufacturing in Australia.

He has done so again this week even to the point that he suggested yesterday that the coalition plan to put at risk $1.5 billion in car industry funding beyond 2015 when even the government is not funding $1.5 billion after 2015. So my question, Speaker, to you—and I am happy to provide any further details that you might need—is whether you might consider asking the industry minister to desist from making claims on the floor of this House that he surely knows are not true, and that we have been forced to repeatedly point out are not true.

Honourable members interjecting—

The SPEAKER: Order! The member for Indi will resume her seat and I will refer her to this having been raised on numerous occasions, particularly by the government when it was in opposition.

PERSONAL EXPLANATIONS

Mr MORRISON (Cook) (15:15): I seek leave to make a personal explanation.

The SPEAKER: Does the member for Cook claim to be misrepresented?

Mr MORRISON: I do.

The SPEAKER: Please proceed.

Mr MORRISON: Earlier today, the Manager of Government Business said in the parliament that the member for Cook in his comments last night, and again in his comments today, clearly indicate that there has been a breach of privilege.

I seek to table my statements of last night, table my statements of this morning on the doors and table my statements of the interview I conducted with Sky News this morning. At no time have I made any reference to the contents of any deliberations or any outcomes of the Selection Committee, which is a very serious charge that the member put against me. I reject it absolutely, and I seek leave to table those documents. If the minister is interested in the truth he should allow me to do so.

The SPEAKER: Is leave granted to table the documents?

Leave granted.
COMMITTEES
Selection Committee

Report
The SPEAKER (15:16): I present report No. 85 of the Selection Committee relating to the consideration of committee and delegation business, private member's business and consideration of bills on Monday 24 June 2013. The report will be printed in the Hansard for today and the committee's determination 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 24 June 2013.
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, 24 June 2013, as follows:

Items for House of Representatives Chamber (10.10 am to 12 noon)
COMMITTEE AND DELEGATION BUSINESS
Presentation and statements
1 Parliamentary Joint Committee on Intelligence and Security:
   The Committee determined that statements on the report may be made—all statements to conclude by 10.20 am.
   Speech time limits—
   Mr Byrne—5 minutes.
   Next Member speaking—5 minutes.
   [Minimum number of proposed Members speaking = 2 x 5 mins]
2 Standing Committee on Aboriginal and Torres Strait Islander Affairs:
   Sport: More Than Just a Game.
   The Committee determined that statements on the report may be made—all statements to conclude by 10.30 am.
   Speech time limits—
   Ms Saffin—5 minutes.
   Next Member speaking—5 minutes.
   [Minimum number of proposed Members speaking = 2 x 5 mins]
3 Standing Committee on Procedure:
   Maintenance of the standing and sessional orders.
   The Committee determined that statements on the report may be made—all statements to conclude by 10.35 am.
   Speech time limits—
   Mr Lyons—5 minutes.
   [Minimum number of proposed Members speaking = 1 x 5 mins]
4 Australian parliamentary delegation to Papua New Guinea:
   Australian Parliamentary Delegation to Papua New Guinea.
   The Committee determined that statements on the report may be made—all statements to conclude by 10.45 am.
   Speech time limits—
   Ms Grierson—5 minutes.
   Next Member speaking—5 minutes.
   [Minimum number of proposed Members speaking = 2 x 5 mins]
5 Standing Committee on Social Policy and Legal Affairs:
   Troubled Waters: inquiry into the arrangements surrounding crimes committed at sea.
   The Committee determined that statements on the report may be made—all statements to conclude by 10.55 am.
   Speech time limits—
   Mr Perrett—5 minutes.
Next Member speaking—5 minutes.

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

6 Standing Committee on Agriculture, Resources, Fisheries and Forestry:
Inquiry into the Australian Centre for International Agricultural Research Annual Report 2011-12.
Inquiry into the Wine Australia Annual Report 2011-12.
The Committee determined that statements on the reports may be made—all statements to conclude by 11.05 am.
Speech time limits—
Mr Adams—5 minutes.
Next Member speaking—5 minutes.

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

7 Standing Committee on Health and Ageing:
The Committee determined that statements on the report may be made—all statements to conclude by 11.15 am.
Speech time limits—
Ms Hall—5 minutes.
Next Member speaking—5 minutes.

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

8 Joint Standing Committee on Foreign Affairs, Defence and Trade:
The Committee determined that statements on the report may be made—all statements to conclude by 11.25 am.
Speech time limits—
Mr L. D. T. Ferguson—5 minutes.
Next Member speaking—5 minutes.

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

9 Joint Standing Committee on Foreign Affairs, Defence and Trade:
Delegation Report: Visit to Timor-Leste and Indonesia (7 to 11 November 2011).
The Committee determined that statements on the report may be made—all statements to conclude by 11.35 am.
Speech time limits—
Mr Danby—5 minutes.
Next Member speaking—5 minutes.

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

PRIVATE MEMBERS' BUSINESS
Notices
1 MR KATTER: To present a Bill for an Act to provide for the regulation of renewable fuel content in motor vehicle spirits, and for related purposes. (Renewable Fuel Bill 2013) (Notice given 18 June 2013.)
Time allotted—10 minutes.
Speech time limits—
Mr Katter—10 minutes.

[Minimum number of proposed Members speaking = 1 x 10 mins]
Presenter may speak for a period not exceeding 10 minutes—pursuant to standing order 41.

COMMITTEE STATEMENTS
10 Standing Committee on Education and Employment:
Statement by Chair on current Committee inquiries.
The Committee determined that statements on the report may be made—all statements to conclude by 11.50 am.
Speech time limits—
Mr Symon—5 minutes.

[Minimum number of proposed Members speaking = 1 x 5 mins]

11 Standing Committee on Regional Australia:
Statements by Chair and Deputy Chair on Committee inquiries.

CHAMBER
The Committee determined that statements on the inquiries may be made—remaining private Members' business time prior to 12 noon.

Speech time limits—
Mr Windsor—5 minutes.
Mr Gibbons—5 minutes.

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

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

PRIVATE MEMBERS' BUSINESS

Presentation and statements—continued

12 Joint Standing Committee on Foreign Affairs, Defence and Trade:

Care of ADF Personnel Wounded and Injured on Operations.

The Committee determined that statements on the report may be made—all statements to conclude by 8.05 pm.

Speech time limits—
Dr Jensen—5 minutes.

[Minimum number of proposed Members speaking = 1 x 5 mins]

Orders of the day

1 MR HAYES: Resumption of debate (from 17 June 2013) on the motion of Mr Hayes—That this House:

(1) notes that:
(a) on 16 May 2013 two young activists, Nguyen Phuong Uyen, age 21, and Dinh Nguyen Kha, age 25, were sentenced to six and eight years, respectively, in jail by the People's Court of Long An province in the Socialist Republic of Vietnam;
(b) the two activists were arrested for distributing literature protesting against China's claims to the Paracel and Spratly Islands in the South China Sea; and
(c) there are credible reports from various international agencies of continuing human rights violations in Vietnam which is evidenced by the high number of house detentions and imprisonment for people engaged in activities as basic as expressing views contrary to the Vietnamese Government's position; and

(2) calls on the Australian Government to:
(a) refer the matters of Nguyen Phuong Uyen and Dinh Nguyen Kha, and other issues concerning human rights in Vietnam that have been raised in the Australian Parliament, to the next round of the Australia-Vietnam Human Rights Dialogue; and
(b) continue to take appropriate steps to convey to the Vietnamese Government that Australia expects Vietnam to honour its obligations under the International Covenant on Civil and Political Rights.

Time allotted—5 minutes.

Speech time limits—
First Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 1 x 5 mins]

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

Notices—continued

2 MR ZAPPIA: To move:

That this House:

(1) notes with concern the lifting of restrictions, by State governments, on activities that present biodiversity and environmental risks to designated conservation parks within their care and control;
(2) recognises the importance of conservation parks in protecting natural environmental assets, creating biodiversity corridors and refuges for threatened flora and fauna; and
(3) calls on the Government to consider measures that can be implemented to protect national parks from activities such as land clearing, mining, grazing and hunting. (Notice given 17 June 2013.)

Time allotted—50 minutes.

Speech time limits—
Mr Zappia—10 minutes.

Next Member speaking—10 minutes.

Other Members—5 minutes each.

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

The Committee determined that consideration of this should continue on a future day.
Orders of the day—continued

2 Infrastructure (Priority Funding) Amendment Bill 2013 (Mr Bandt): Second reading (from 27 May 2013):

Time allotted—remaining private Members’ business time prior to 9.30 pm.

Speech time limits—

Mr Bandt—5 minutes.

Other Members—5 minutes each.

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

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

Items for Federation Chamber (approx 11 am to approx 1.30 pm)

PRIVATE MEMBERS’ BUSINESS

Notices

1 DR WASHER: To move:

That this House:

(1) recognises the significant hazard to healthcare workers through needlestick, scalpel and other sharps injuries, with estimates of up to 18,000 healthcare employees suffering injuries each year;

(2) notes that these injuries present a serious health and safety risk, exposing healthcare workers to dangerous blood-borne pathogens including the Hepatitis B Virus, Hepatitis C Virus and Human Immunodeficiency Virus;

(3) is:

(a) concerned that approximately 50 per cent of needlestick, scalpel and other sharps injuries are not reported, with rates of under-reporting ranging from 40 per cent to 80 per cent; and

(b) aware that 1 in 9 nurses suffered at least one needlestick, scalpel or other sharps injury in the past 12 months;

(4) acknowledges that preventative measures can be taken to reduce injury, including the use of safety engineered medical devices which, when combined with relevant education and training, reduces the incidence of sharps injuries;

(5) notes that Australia lags behind other western countries that have mandated measures to reduce sharps injuries, such as:

(a) the United States, that signed into law more than a decade ago the Needlestick Safety and Prevention Act of 2000, 106 USC 430 (2000);

(b) Canada, where 6 out of 10 provinces have Occupational Health and Safety Regulations mandating the use of safety engineered medical devices;

(c) the United Kingdom, where the Health and Safety Executive has introduced the Health and Safety (Sharp Instruments) Regulations 2013; and

(d) the European Union, that introduced Council Directive 2010/32/EU three years ago to ‘prevent blood borne infections to hospital and healthcare workers from sharp instruments’; and

(6) calls on the Government to immediately improve healthcare worker safety by bringing Australia into line with the abovementioned countries. (Notice given 29 May 2013.)

Time allotted—90 minutes.

Dr Washer—10 minutes.

Next 3 Members speaking—10 minutes each.

Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 4 x 10 mins + 10 x 5 mins]

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

2 MR S. P. JONES: To move:

That this House notes that:

(1) Australia has an abundance of natural gas reserves, with gas production projected to quadruple from 2095 petajoules in 2010 to over 8,000 petajoules in 2034–35;

(2) the export of natural gas is booming, projected to triple from 20 million tonnes in 2010–11 to over 63 million tonnes by 2017;

(3) at the same time Australia’s primary energy consumption of gas is expected to increase from 22 per cent in 2008–09 to 35 per cent in 2034–35, which is consistent with Government policy to shift households and businesses to more efficient and less carbon intensive energy sources;

(4) in Australia, manufacturing, mining and electricity generation are the largest consumers of gas, consuming 84 per cent;
(5) driven by near-term infrastructure and supply constraints, Australia is facing a price squeeze on gas at the same time as many large contracts for gas supply expire from 2014;

(6) Australian manufacturing and domestic suppliers are therefore heavily exposed to rising prices and access to contracts for supply of gas at competitive pricing;

(7) in North America, governments have adopted the strategy of giving priority to domestic supply at affordable prices over other uses as a means of reinvigorating their manufacturing sector, which has led to the establishment of new businesses in the United States and the creation of over 500,000 new manufacturing jobs; and

(8) steps must be taken to ensure that affordable and reliable gas is available for manufacturing and households and that the Government must bring forward policy to achieve this. (Notice given 18 June 2013.)

Time allotted—30 minutes.

Mr S. P. Jones—10 minutes.

Next Member speaking—10 minutes.

Other Members—5 minutes each.

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

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

3 MR SLIPPER: To move:

That this House:

(1) calls on the Government to reverse its disappointing and retrograde decision announced in the Budget to close the Australian Embassy in Hungary, based in Budapest; and

(2) acknowledges the:

(a) close relationship that exists between our two countries, including our shared democratic values which see us cooperate in numerous international fora as demonstrated by our mutual support for each other's candidature for non-permanent seats on the United Nations Security Council, our joint support for peace building efforts of the international community, particularly in Afghanistan, and our mutual cooperation in difficult times, for example, Hungary's consular assistance for Australian citizens in Syria;

(b) important interdependence of Hungary and Australia in providing a bridge for Australia into central Europe and Australia's reciprocal role in providing access for Hungary in the Asia Pacific region, and that this growing bilateral relationship will further boost economic ties and trade particularly Australian investments in the Hungarian energy sector;

(c) close people-to-people links which see up to 250,000 Australians of Hungarian origin making an important contribution both economically and culturally to the relationship between the two countries and assisting to promote the close friendship among Australia, Hungary and other countries of central Europe; and

(d) fact that in addition to the Hungarian Embassy in Canberra, Hungary has recently opened a consulate in Melbourne to contribute further to the growing strength of the bilateral relationship. (Notice given 4 June 2013.)

Time allotted—20 minutes.

Mr Slipper—5 minutes.

Other Members—5 minutes each.

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

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

Orders of the day

1 MARRIAGE EQUALITY AMENDMENT BILL 2012: (Mr Bandt): Second reading—Resumption of debate (from 17 June 2013.)

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

First Member speaking—5 minutes.

Next Member speaking—5 minutes.

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

The Committee determined that consideration of this should continue on a future day.
Items for Federation Chamber (approx 6.30 pm to 9 pm)

PRIVATE MEMBERS’ BUSINESS

Orders of the day—continued

2 MS MARINO: Resumption of debate (from 3 June 2013)—That this House:
(1) acknowledges that:
   (a) cyber-bullying and inadequate cyber-safety poses a significant threat to the welfare and security of all Australians, especially young people; and
   (b) this threat will increase with new technology and greater connectivity; and
(2) calls on the Government to enhance cyber-safety education in all Australian schools.

Time allotted—90 minutes.

First 6 Members speaking—10 minutes each.

Other Members—5 minutes each.

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

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

4 MS HALL: To move:
That this House:
(1) notes that:
   (a) rare diseases are complex, often with inadequate or no treatment;
   (b) approximately 10 per cent of the Australian population is directly affected by one or more of the 8000 rare diseases and 400,000 of these people are children; and
   (c) collectively there are around 1.2 million Australians with a rare disease, the same number as Australians affected by diabetes;
(2) recognises that:
   (a) Australians living with rare diseases need the opportunity to be involved in national and international clinical trials; and
   (b) in order to progress medical research in the field of rare diseases, the benefits of a national rare disease registry should be investigated;
(3) acknowledges:
   (a) Rare Voices Australia, the first national organisation devoted to rare diseases in Australia that focuses on improving quality of life for all families, friends and carers that are impacted by a rare disease in their everyday lives; and
   (b) the participation of advocates from Rare Voices Australia in a world first international Rare Diseases Research Consortium this year; and
   (4) investigates establishing a national patient registry for research purposes for people living with a rare disease, which is free of commercial interests. (Notice given 4 June 2013.)

Time allotted—30 minutes.

Ms Hall—5 minutes.

Other Members—5 minutes each.

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

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

5 MR GEORGANAS: To move:
That this House:
(1) acknowledges that 15 June is International Cleaners Day, recognising cleaners all over the world for their work and efforts;
(2) recognises the:
   (a) importance and significance of the work of cleaners; and
   (b) important contributions of cleaners across the Australian community;
(3) supports the call for a fair go for cleaners and recognises that cleaners are some of the lowest paid workers in Australia; and
(4) congratulates all cleaners for their achievements and the work that they have done in advocating for the rights of fellow cleaners through the Clean Start campaign. (Notice given 6 June 2013.)

Time allotted—20 minutes.

Mr Georganas—5 minutes.

Other Members—5 minutes each.

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

The Committee determined that consideration of this should continue on a future day.
Orders of the day—continued

3 Competition and Consumer Amendment (Strengthening Rules About Misuse of Market Power) Bill 2013 (Mr Oakeshott): Second reading (from 17 June 2013):  
Time allotted—remaining private Members’ business time prior to 9 pm.
Mr Oakeshott—5 minutes.
Next Member speaking—5 minutes.

[Minimum number of proposed Members speaking = 2 x 5 mins]
The Committee determined that consideration of this should continue on a future day.

3. The committee recommends that the following items of private Members' business listed on the notice paper be voted on: Orders of the Day—
National Business Names Register (Mr Billson); Dyslexia (Mr Christensen); and Canned Food Industry (Dr Stone).

4. The committee determined that the following referral of a bill to a committee be made—

House Standing Committee on Education and Employment:
• Migration Amendment (Temporary Sponsored Visas) Bill 2013.

REASONS FOR REFERRAL/PRINCIPAL ISSUES FOR CONSIDERATION:

This bill has been strongly criticised by employers, industry groups, the Migration Council of Australia and labour market experts, including the government's own advisers who have universally indicated that there is no evidence including from the Department of Immigration to support the suggestions of widespread rorting alleged by the Minister and government.

The bill reintroduces labour market testing which operated from 1996 to 2001 and was found then to be ineffective, costly and a significant delay to employer recruitment action. It also introduces a number of additional compliance and enforcement measures. These changes represent a major additional regulatory burden on business yet the Bill has been developed without consultation with industry groups or labour market experts. In addition the Prime Minister has exempted the bill from a Regulation Impact Statement for unspecified exceptional circumstances.

The bill requires further investigation into the regulatory impact the proposed changes will impose on Australian business and industry, together with impacts on labour market efficiency and business productivity from the reintroduction of labour market testing in particular. An inquiry is required to ensure no adverse impacts arise that would prohibit businesses from accessing the skilled labour they need to support Australian jobs and Australian investment.

AUDITOR-GENERAL'S REPORTS


Ordered that the reports be made parliamentary papers.

COMMITTEES

Joint Select Committee on DisabilityCare Australia

Membership

The SPEAKER (15:17): I have received advice from the Chief Opposition Whip nominating members to be members of the Joint Select Committee on DisabilityCare Australia.

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional
Development and Local Government) (15:17): by leave—I move:

That Mr C Kelly and Ms Marino be appointed members of the Joint Select Committee on DisabilityCare Australia.

Question agreed to.

The SPEAKER (15:17): I have received advice from the Chief Government Whip nominating members to be members of the Joint Select Committee on DisabilityCare Australia.

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (15:18): by leave—I move:

That Ms Brodtmann, Ms Hall, and Mr Marles be appointed members of the Joint Select Committee on DisabilityCare Australia.

Question agreed to.

DOCUMENTS

Presentation

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (15:18): 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:

- Australian Radiation Protection and Nuclear Safety Agency—Quarterly report of the Chief Executive Officer for the period 1 January to 31 March 2013.
- Migration Act 1958—Section 91Y—Protection visa processing taking more than 90 days—Report for the period 1 November 2012 to 28 February 2013.
- Section 440A—Conduct of Refugee Review Tribunal (RRT) reviews not completed within 90 days—Report for the period 1 November 2012 to 28 February 2013.

Debate adjourned.

BILLS

Sugar Research and Development Services Bill 2013
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013
Tax Laws Amendment (Fairer Taxation of Excess Concessional Contributions) Bill 2013
Superannuation (Excess Concessional Contributions Charge) Bill 2013

Reference to Federation Chamber

Mr ALBANESE (Grayndler—Leader of the House, Minister for Infrastructure and Transport and Minister for Regional Development and Local Government) (15:18): by leave—I move:

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

Question agreed to.

MATTERS OF PUBLIC IMPORTANCE

National Broadband Network

The SPEAKER (15:19): I have received letters from the honourable member for Lyne and the honourable member for Cook...
proposing that definite matters of public importance be submitted to the House for discussion. In accordance with the provisions of standing order 46, I have given priority to the matter proposed by Mr Oakeshott, namely:

The urgency for Australia's deep fibre infrastructure build given that global internet traffic is forecast to break the zettabyte barrier by 2016.

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 OAKESHOTT (Lyne) (15:20): I thank the shadow minister for communications, as well as colleagues within the government, for allowing this nation to go ahead, and you, Speaker, for allowing this most urgent debate to happen.

There is a view and mythology that loiters in Australia and in the corridors of this place, that the National Broadband Network build is some sort of expensive luxury spend. The urgency of this debate today, proved by a laugh received from a parliamentary colleague, is that this is an urgent, essential item and an investment with a rate of return for the Australian taxpayer. I raise it as a matter of public importance today, not just to make that point again but based on the most respected and most accurate report that comes out on a triennial basis, known as the Cisco Visual Networking Index. That is the global guidance for all governments around the world on global intranet traffic and what is happening with regard to the uptake and movement of data.

This is the most respected and the most accurate index that we have internationally. It normally errs on the conservative side, and it is indicating in its most recent report that we in Australia, regardless of the policy options on the table, have a problem of congestion that will emerge in the next five years. There is no question that by 2016 our network, if we continue to rely on copper, will be overwhelmed. The idea, the analogy, of pushing a pumpkin down a hosepipe has to start being the driver of policy solutions from all parties in this chamber. That is why this is urgent. This is not some long-term vision splendid and splash of money; there is an urgency about building this now to deal with the exponential growth in data that has been exposed by the most respected and accurate global index that we can get our hands on.

I am not lining up just one side of this parliament. This is going to be an issue for all policy. We should have addressed a failed, redundant, waterlogged, asbestos-riddled network a long time ago. By rolling out the NBN as per the corporate plan and the shareholder minister's letter we are going to have transition issues on the back end of a 10-year deal, as exposed by this VNI—this virtual networking index from Cisco, the most respected index that we can get our hands on. We will have issues with transition on the back half of the current corporate plan and of congestion in communities which are not yet on the rollout list. That should not be denied and there should be a consideration from the existing corporate plan and NBN Co., right now, on those issues of transition and congestion.

The answer is not to go backwards. The answer is not to continue to rely on copper in any form. That is why this most recent information from the global index really is a call for the Liberal and National parties to reconsider their position on this last-mile copper-to-the-node policy; to look at the exponential growth that is happening in global internet traffic and reconsider relying on copper. That is quote after quote,
evidence after evidence, that that policy simply will not work.

The vice president of Cisco global technology, a gentleman called Dr Robert Pepper, currently sits on the board of the Federal Communications Commission of the USA and its UK equivalent, Ofcom. In these roles, he briefs governments and network operators from around the world on infrastructure and what to expect from future data requirements and modes of broadband usage based on the reality of traffic statistics and growth curves. He is an American; he has no dealings in Australia or with Australian politics whatsoever. This is what he said when releasing these most recent Cisco VNI figures. There are about eight items.

He has said that all roads point to the requirement of optic fibre being implemented deep into both wired and wireless networks. He does say the future is indeed wireless but it will be mostly wi-fi and not 4G, and he emphasises that this is complementary to a fixed-fibre network as the skeleton of the communications network in any country. He says that Australian mobile networks will soon have to join the US and the UK in the concept of offloading data onto local wi-fi networks in order to avoid congestion, which is the emerging issue of our failing communications network. He said that, as an example, a 4G mobile user—and there are many in this room—uses 28 times more data than a 3G user. That is part of the lead-in to this exponential growth in data demand. He says that the new wireless spectrum needs to be opened up as quickly as possible. I would say that is urgent to cope with the growth that we are seeing. He says that as much wireless traffic as possible needs to be seamlessly offloaded onto the wired networks to avoid congestion. Again, this is the emerging issue of this moment. He also says there is a huge increase in requirement for low-latency data transfer and high upload speeds. People have been listening to this issue of download speeds.

The issue that has been identified by the experts on global internet traffic is not download speeds; it is upload speeds that are the political and policy issue of the moment. He also said—again, not knowing anything much about Australian politics—that fibre needs to be very nearby every internet connection, whether wired or wireless. Here is the killer blow. Again, talking about internet trends generally—not just in Australia, but really making this point about last-mile copper—he has said that fibre-to-the-node infrastructure which relies on a last-mile premises connection using Australia’s current copper infrastructure—its current HFC networks—or fixed 4G-like wireless will not have the symmetry, the contention ratio, the bandwidth or the latency to keep up with demand by 2016. He makes that point, but under the coalition’s policy within four years the network will be overwhelmed. He makes the point that it will be overwhelmed before it is complete.

That is why this is urgent before this chamber. We have three months before a very significant decision will be made at the ballot box, on a policy difference in how we build our communications technology for this country. There is a corporate plan in place and a shareholder minister’s letter that is currently delivering the rollout. It has a rate of return of over seven per cent. It delivers on telecommunications industry separation, which is long overdue in Australia. It drives an upgrade of the pits and pipes that were identified only a fortnight ago as being absolutely rubbish. This corporate plan actually drives an upgrade of this network of pits and pipes that was not necessarily built by Telstra and maybe not by Telecom, but maybe even by PMG—a long,
long time ago. It is rubbish infrastructure that needs to be upgraded before we get into the issues of speed, reliability, pricing and rate of return to the taxpayer.

It absolutely does my head in when I hear members of parliament, who should know better, in conversations with their communities trying to spread the fib that this is a $90 billion spend or even a spend at all. This has a rate of return on investment to the taxpayer. It is an investment, not a spend. It is not a luxury item; it is an essential service for the future of this country. If we do not do it, we are going to have congestion on our internet in this country like we have never seen before. And it is going to be an enormous problem in business and in all forms of communication: health, education, personal, entertainment, whatever. Congestion is going to be our issue from 2016 and beyond.

The current government plan at least tackles it on the back-end of its 10-year rollout. If we allow this last mile of copper to be the winner of the day we are going to set ourselves up as the country that wants to put pumpkins down a hosepipe, that wants to build a one-lane Sydney Harbour Bridge and all the analogies you can think of. What are we doing even having a policy debate on this when we get a rate of return by building it to the home? It just does not make sense that we are still stuck in the bog of a political debate when this is the opportunity for some really good visionary nation building.

I know everyone in every pub talks about what this country should do and what this parliament should do. Why are we blinking? Why are we falling for some sort of argument of max speed of download below what will be the international average speed? Why do we choose to set ourselves up so that by 2016 we will only just be ahead of Africa on the average speeds that are being offered by the Liberal and Nationals parties? We will just be ahead of the Middle East and Africa. We will be rivalling South America but we will be blown out of the water by the US and Europe. Why as a first world country can we not demand better than that? Why are we choosing the African model of fibre to a node that is going to be overwhelmed before it is complete?

Yes, many think this is a waste of money. Yes, many think this is a luxury item that we plucked off some top shelf of luxury items of policy and do not understand why we are delivering an upgrade to a 60-year-old redundant network that is going to blow its lid in the next four years unless we upgrade it. I urge the government to consider all those issues of transition that in my view are not as explicitly dealt with in their corporate plan and by NBN Co. on the back-end of their 10-
year rollout. Post-2016 is going to be a problem if the policy settings stay as they are.

I urge my friend at the table, the shadow minister, to really do more to drag your side from blowing up this NBN network, and I give you credit for doing that, but to drag it that last mile of copper and get it to the home. That is what delivers ubiquity, delivers the rate of return and delivers on the issue of congestion that is emerging quickly.

Mr Turnbull (Wentworth) (15:35): The honourable member for Lyne has been chairman of the committee on the NBN, which I have been a member of over the term of this parliament, and I am disappointed by his remarks. After all this time and after familiarising himself with the NBN, he still shows himself to be so terribly confused about the nature of internet bandwidth and the requirements of a network. He quotes from a recent report published by Cisco called The zettabyte era. The zettabyte is, as I recall, 10 to the power of 21. It comes before a yottabyte, which is not to be confused with the Nepalese concept of a yeti bite. He refers to this report which talks about a massive increase in data being transmitted over the internet. Of course that is well understood. There is nothing new in that and it is described extensively in our own policy. This is being driven, as the Cisco paper discloses, by a massive increase in video entertainment or video traffic being carried over the internet. This is the growth of IP TV and more and more movies and television shows being carried over the internet. This is the growth of IP TV and more and more movies and television shows being carried over the internet, to the point where one-third of all of the bandwidth in the United States is being consumed by one company, Netflix, which is a movie and television entertainment download business. That is well understood.

But the issue about the NBN is not whether there will be more bandwidth required in the network and not whether there will need to be more fibre capacity in the big cables in the core of the internet linking exchanges and linking countries and so forth. It is: what is the nature of the connection from the local exchange to the customer's premises—what is the size of the pipe in that last mile to the customer's premises? What the honourable member is confusing is an exponential growth in bandwidth across the network and assuming that that means you need to have a similar growth in the size of the pipe to the customer's home. If I can give honourable members an example that might make this clearer, it is a bit like this. If everybody in Sydney, for example, were to decide to have three one-hour-long showers every day, it would mean that Sydney Water would have to provide a lot more water. It may have to build another dam or another desalination plant. But it would not mean that every house had to have a bigger water pipe going into that house. You see, we will consume much more data through our internet connection but the size of the pipe—which is described misleadingly as talking about speed when it is really a question of capacity—whether it is 10 megabits per second or 25 or 30 or 40 or 100, does not necessarily need to grow. For example, if you want to watch a high-definition video, which is the biggest file that is typically transmitted over the internet to residential users, you need, we have assumed in our policy, about six megabits per second. Netflix know a bit more about this than any of us here, and their own publications say you need four megabits per second. So if you had, for example, a 25 megabit per second connection to the internet you could stream simultaneously four, or more than four—five or six—high-definition video streams. And so you could, as a household, be watching much more video, consuming much more
data—hundreds and hundreds of gigabytes a month—but nonetheless not require that larger pipe. The issue, therefore, is: what is the utility of provisioning the larger pipe? We all understand that the utility of increased bandwidth, increased size of the pipe into your house, diminishes as it grows. To go from dial-up to five megabits per second, that is a big increase in utility. You can watch videos; there are a whole bunch of things that you can do that you could not do before. To go from five to 25 is another increase in utility, because if you have got a family with three or four people in it, they can all do that simultaneously. To go from 25 to 50, that may not be so much of an increase in utility. It is certainly not twice as useful. It may be a little bit better. To go from 50 to 100—it is very, very questionable how much of an increase in utility that is. The point is that it does not progress in a linear fashion.

The problem, however, is that because in order to reliably give everybody 100 megabits per second and more you would need to take, with current technology, fibre into every premise, the cost of taking everyone to 100 or better is enormous. Just as the marginal utility of higher speed starts to flatten out and become zero, that is when the cost of provisioning it goes through the roof. If you think about it in this context, if you can give everybody in a given area very high speeds, no one less than 25 and most people with 50 or better, for an investment of $1 million and meet all of their requirements—that is fibre to the node, that is the approach that we are talking about. If it costs you $5 million to take fibre to the premise so that they can have 100 or more, but with no incremental benefit to the customers, with no applications that they can use and value with that additional speed, then what you have got is $4 million of investment, enormous trouble and expense, enormous delay, and no return on it. Inevitably, you have a higher cost of connectivity.

The fundamental problem that the honourable member overlooks is this: he says that the NBN has a seven per cent rate of return. That is the most extraordinary nonsense! I cannot believe that he could seriously say that the one thing—if we have learnt anything on the NBN joint committee, we have learnt that their financial forecasts are completely discredited. The contractors are going broke; we all know that. The project is failing. It will be lucky to make 15 per cent of its forecast build by 30 June, and we are taking their financial forecasts seriously? Come on, Deputy Speaker. The NBN Co. is a financial disgrace. It is the largest blank cheque ever written in the country's history. The government does not know how long it will take to complete, and they do not know how much it will cost. That, regrettably, is the truth.

We get back to this fundamental question of fibre to the premise. What is the additional benefit of taking fibre to the premise, and does it justify the investment? That is the key question. We could have had a very reliable, very considered, thoughtful, well-informed answer to that question if the government had lived up to its pledge in 2007 and had a cost-benefit analysis into this project. If the honourable member for Lyne had supported us consistently on this matter—

An honourable member interjecting—

Mr Turnbull: Well, he was not able to get his friends on the crossbench to do that, but the fact is that without that cost-benefit analysis, we simply end up having an argument about this rather than having some very hard numbers.

If the proposition is that we should have fibre-optic cables deep into the network, we agree. The question is: how deep, how far?
Alcatel-Lucent, the big telecom vendor, have got a good summary of this. They say that fibre should go to the furthest economically viable point. We agree with that. If you can achieve the bandwidth requirements that people need, as quickly as possible and at a lower cost, thereby making it more affordable, without taking the fibre right into the house, that makes sense.

As for the honourable member saying that fibre to the node is an African model, I did not know that the United States was in Africa; I did not know that Britain was in Africa; I did not know that Germany was in Africa. What an extraordinary statement, notwithstanding the rather unpleasant slur against Africa. The fact of the matter is that the approach that we are proposing it is one that is consistent with the practices of the major telcos around the world. By that I mean the honourable member down the back has never heard of Deutsche Telekom or British Telecom or AT&T or Bell Canada.

Government members interjecting—

Mr TURNBULL: The Labor members are shouting because they know this project is failing. But the fact is that the honourable member does not know remotely what he is talking about. British Telecom have passed 19 million premises in their broadband upgrade, 10 per cent with fibre to the premises and the balance with fibre to the node.

Mr Mitchell interjecting—

Mr TURNBULL: If the honourable member wants to doubt that he should get in touch with Mike Galvin, who is heading the rollout. They cannot cope with the truth.

The honourable member for Lyne said that the Cisco report says by 2016 our network in Australia will be overwhelmed. It says nothing of the sort. What it actually says is that by 2016 it expects average speeds on fixed line broadband in the Asia-Pacific to be 41 megabits per second, and that is very achievable under our policy. Indeed, we see most of the premises under our policy having 50 megabits per second or better. The report sees the speeds for handsets being on average 3.9 megabits per second. The proposition that the network is going to be overwhelmed has no basis of fact in that report.

The real issue of congestion in the future is not going to lie in the last mile to the home. If we get into office that will be addressed within a few years and by the end of the next parliament everyone in the fixed line footprint will have at least 25 megabits per second, most will have 50 or better. We expect to build plenty of fibre to the premises, and wherever it can be done cost-effectively we will do so—greenfield sites and others that appropriately qualify. But the real congestion is going to lie further back in the network. This, I regret to say, is what the honourable member for Lyne simply does not understand. The NBN is not a complete telecom network. It is a customer-access network. It connects an exchange, called a point of interconnect, to the customer's premises.

I ask every member and anyone listening to this speech to check their line speed when you get an opportunity and then seek to download something from iTunes or some other service of that kind. I would be very surprised if you do not find that your rate of download is a lot less than your line speed. The reason for that is that in a telecom network the rate at which data is transmitted, at which signals propagate over the network, depends on the slowest link and the rate of the server to which you are connected. You may have 50 megabits per second between your house and the local exchange, but how much congestion is there behind your exchange back into the core of the network? How much congestion is there on the
international cable? What is the rate that the server you are connecting with in the United States or wherever is delivering data? If it is very popular, you may be getting a very low rate of download.

If the honourable member is trying to say that we need to have more capacity in the core of the network and the backbone of the internet then he is absolutely right, although it is a penetrating glimpse of the obvious. But it is not a problem that the NBN will address, because the NBN is a last-mile customer-access network. So, yes—the NBN, under our approach, will certainly eliminate the last-mile bottleneck, but the questions of congestion will then be further back in the network. It will depend on how much capacity your retail service provider has bought, back into the core of the network, and all of the factors I mentioned.

So we do need more fibre. We do need it to the furthest economical point. But it is a great pity that the member for Lyne, after all these years, is still so confused on this important issue.

Ms KING (Ballarat—Minister for Road Safety, Minister for Regional Services and Local Communities and Territories) (15:50): It is with a great deal of pleasure that I speak on what is a very important matter for regional communities, and I commend the member for Lyne for putting up this matter.

In particular, I am disappointed that the shadow minister is leaving the chamber, because I wanted to take up a number of the points that he just raised in his contribution—but he is, of course, a very important man! And he is leaving the chamber in the middle of the debate on his core policy area.

I turn to the base assumption behind what the shadow minister has just said. The coalition's plan is based on an assumption that no-one will ever want or need more than 25 megabits. That is exactly what their policy is based on, and that is the base assumption. If the shadow minister's policy is so great, and if it is the best possible high-speed broadband policy for this country, why is it that everybody—everybody who knows anything about high-speed broadband—who is involved in this sector says that their policy is a lemon? I am going to quote some of those people.

Mark Gregory from RMIT in an interview on Triple J's Hack said: 'What the coalition are offering us, the Australian public, is, in real terms, an improvement on the one megabit per second for $30 billion, but it is the greatest lemon in Australian history.' Rod Tucker of the University of Melbourne said:

On balance, I think Labor's policy is superior because it provides the best long-term strategy for delivering the kind of high-speed broadband that Australia is going to need in the future …

Guy Cranswick, the analyst with IBRS, said:

'It's crazy to say that the average family only needs 'this much' because we don't know what the future holds and have already seen the more familiar the technology, the larger the files we use …

Geoff Huston, the Chief Scientist at APNIC and Telstra's former chief internet scientist, said:

… quite frankly, 25Mbps in 10 years' time—that speed is going to look like what a [dial-up] modem looks like to us today. Too little, too slow, too backwards.

It is an apt description for the coalition's so-called high speed broadband policy.

What we hear about constantly from the coalition is the downloading of movies on iTunes. What we do not hear about are the other uses people are putting the internet to. People are uploading substantial files, and increasing the amount of data that they are uploading. I have an example from my own constituency. I have people who are working
from home who are composers working internationally. They are uploading large files, of music that they have composed, and their speeds—at the moment they are on dial-up—are atrocious. They will give you the example that they can, from their small country town, start to upload their file, drive to Melbourne, log into their system in Melbourne, and find that this file has still not arrived—and they are an hour and a half to two hours down the road from Melbourne. So from the coalition we hear all about the downloading by families of a few movies from iTunes but they have failed to understand what uses people are putting and will put high-speed broadband to.

Since the Leader of the Opposition and the member for Wentworth were last in government, there have been a few changes. I do not know if anyone has noticed that. We have not just been frozen in time—much as the opposition would like to think that we are—with the world staying exactly the same. There has been an exponential change in the way people use high-speed broadband and the internet. Since the Leader of the Opposition and the member for Wentworth were last in government the amount of data downloaded by Australians over the internet has grown fifteenfold, and it is expected that that growth will continue exponentially. In the five years to 2012, broadband internet subscriptions alone doubled, to 11.6 million subscriptions. And, with the amount of information being stored online, the demand on broadband infrastructure is going to continue to grow. The Asia-Pacific, our region, will see more traffic generated than anywhere else in the world. If we are to deal with this growing demand, our nation needs appropriate infrastructure.

We heard about cloud based systems. I recognise the member for Lyne's contribution on this in particular. We are seeing more and more cloud based systems being used nationally and internationally that again will see greater need for high-speed broadband. Frankly, it is growth that the coalition's inadequate copper-to-the-home broadband plan is going to be absolutely incapable of dealing with. There is a reason that people have started up the website 'savethenbn'—because it is an incredibly important policy for this country. And it is about time the coalition realised that what they have put up is a dud. It is going to dud regional Australians. It is dudding people in metropolitan areas. We will see people left behind.

Whether it is broadband infrastructure or our roads, ports, rail or regional development, I am very proud that this government has delivered record investment in nation building. It is a government that has a very long-term plan for the country's future. The NBN is going to fundamentally change and improve the way Australia does business both domestically and internationally. It is infrastructure that will be especially important for Australia's regional communities.

The government has been trying to ensure that Australians have access to the best quality services and employment opportunities regardless of where they live. The NBN for regional communities is a game changer, not just in access to services but in the economic opportunities available to them. Whether you are in the most remote part of the country, whether you are in the regional or provincial cities such as where I live or whether you are in rural communities, it is a game changer for the economic opportunities. The NBN will improve the competitiveness of our regions, significantly improving regional Australia's businesses and our service delivery capacity.

Last month I visited a new business in the small town of Clunes in my own community
run by somebody who has moved from Melbourne. There are a lot of tree-changers moving into that town. It is a town with just over 1,000 households. This business owner designed a very innovative gardening edging product which is a fantastic product. He has customers domestically, within our own region and nationally, and internationally. He trades exclusively online. He has no shopfront; he only trades online. The landscaping system that he has developed requires huge amounts of information transfer. It is being developed by an entrepreneur in a very small community, who we are delighted to have had move to a regional community and who will provide jobs and growth in that region. He has absolutely welcomed the National Broadband Network because he knows it allows him and his family to move to a country area but still to expand, develop and grow a business and an economic opportunity in the township of Clunes.

By contrast, the Leader of the Opposition wants to spend some $20 billion on a plan that will leave millions of Australians with no discernible difference in their broadband speeds—none whatsoever. Why would you do such a stupid thing? Indeed, the opposition voted against the National Broadband Network legislation in this place and in the other place no less than 16 times. What were you thinking? Those opposite have a plan that will see Australian taxpayers' money spent on rolling out broadband, with all of the costs but none of the benefits and certainly none of the benefits to regional Australians. Under Labor's plans, all homes and businesses will be able to access the NBN at no connection cost so that everyone can enjoy the benefits of fast broadband.

By contrast, under the policy that the coalition has put forward—and again the member for Wentworth did not talk about this—if it were to be implemented, regional Australians would be left behind with none of the opportunities presented by the NBN. Regional Australians would have no access to the modern infrastructure investment that will ensure our competitiveness in the future, not just domestically but internationally. For example, the coalition policy leaves families that are the last house on their block with slower speeds. If you are the last house on the block remaining on the copper wiring and you decide that you absolutely, because of both your needs and your employment opportunities, want to get more than that 25 megabits that is offered by them, and you need to do that—and we know that in the future that is going to be the case—you will need $5,000 for a connection. That is the reality we have under the coalition's plan.

The other issue that is incredibly important to regional communities, which was not talked about by the shadow minister, is uniform pricing. The coalition will abandon uniform pricing and force people outside of the cities to pay more for their internet. This means that people in Ballarat, my own community in regional Australia, will pay more for internet than those living in our capital cities. The absolute disgrace of this is in how the National Party have folded on this. Frankly, as a regional member I cannot understand it; it is a complete anathema to regional communities, and I condemn them for it. (Time expired)

Mr HARTSUYKER (Cowper) (16:00): I welcome the opportunity to speak on what is an important debate. As a member of the Joint Committee on the National Broadband Network, I have observed the progress of the project over some time, as has the member for Lyne, who is the chair of that committee. As a committee of the parliament, the role that we serve on that committee is very similar to that of a board of directors for a company. In our responsibility to report back
to the parliament on the progress of the project, we have an obligation to report the facts as we see them. But we also have an obligation to examine and test the propositions that are put before us by NBN Co. and the shareholder ministers. That is our responsibility to the parliament: to ensure that we are getting a rate of return on the project as has been promised, to ensure that the funds are spent wisely, to ensure that the committee is able to report the truth of what is happening on the ground with regard to the NBN project.

It concerns me that the member for Lyne has been quoting the rate of return of seven per cent. I know that he has some justification for that; in the business plan it clearly states that the internal rate of return is seven per cent. But there are a number of problems with that calculation, because as we all know the internal rate of return is a rate that discounts future cash flows back to zero; that is the way the internal rate of return works. The problem here is that we are seeing very significant delays to the project; we are seeing massive capital costs upfront. And they are necessarily massive, because that is the way big infrastructure projects work: you have big capital outlays in early years, and they may continue for a period of time, and the income comes at a later time. The problem we see with this project is that we are having massive cash outflows, but the project is being delayed and delayed. That has major repercussions for the rate of return of the project. If the rate of return of seven per cent as originally promised is to be achieved, what needs to occur is a massive acceleration of the project in later years—and we have seen no evidence of an acceleration in the rate so far; in fact we continue to see significant problems occurring at every turn.

We see significant problems being encountered with regard to the fixed line rollout—not necessarily at the technology end but certainly at the civil works end where you are dealing with the difficulties of operating in confined metropolitan and regional environments, where you have to work around the built environment, something engineers have been dealing with throughout civilisation, working with what is already there. With the wireless network we see very significant delays. In fact the wireless network will not achieve half of the forecast rate of rollout that has been put forward.

So we have seen NBN Co. making a range of forecasts—we had business plan No. 1; we had the revised business plan and substantially downward revisions in expectations with regard to the rollout—and what that means for the returns of the project is that, to keep and maintain that rate of return, you have to see a massive acceleration in the cash flows in later years. You have to see much later, much larger, increases in income to compensate for the slow rollout. I see no evidence of that being likely to occur. With regard to the risk of the project, when you are relying on very big increases in income in later years, there is a substantial increase in the risk. The costs going out we know: they are certain; the cheques have been written for those amounts. But the revenues we are going to receive in years 7, 8, 9, 10, into the out-years, are unknown and they attract a higher risk premium, if you are looking at this as a particular investment decision. So there is real concern, and when the member for Lyne accepts the fact that there is a seven per cent return, I think he should question that point, because nothing has occurred to date to give us any confidence that the rate of return is going to achieve anything like seven per cent. And in fact it is likely to be less than
half of that, the way this project is going where there is a delay at every turn. And that is going to be at massive cost to the taxpayer.

The next issue goes beyond the rate of return and that is the digital divide. What we are seeing through these delays to the project is that people in regional areas are being denied access to high-speed broadband. What the coalition's proposal does is attempt to get high-speed broadband to all Australians by 2016. I think that is an important objective. The increase in speeds from very slow dial-up speeds to a reasonable level of service is where you get from a national perspective the greatest productivity gains. The member for Wentworth noted this in his contribution and I am sure that the member for Lyne would agree.

Unfortunately what we have with NBN Co. is a rollout that is so slow that many people in regional areas are being denied access to high-speed broadband. So, rather than being a project that delivers for people in rural and regional areas, it is perversely starting to become a project that will deny people access to high-speed broadband. We can have very little reliance, we know, on the forecast for NBN because each forecast revision is less successful than the one before. We do not see NBN Co. advising this House: ‘We have taken remedial action and as a result of that we have increased the speed of the rollout in areas A, B and C.’ What we see is endless downward revisions in the rate of progress and an attempt to conceal that. That is of great concern; information that is vitally important for the parliament to know is being concealed. And that is a real concern for us.

Government members interjecting—

Mr HARTSUYKER: It is being concealed. We never get frank advice. We never get frank information on the progress of the rollout. We never get a report across the sites as to how the various sites are progressing. What problems are being incurred. What remedial actions are being taken to return to program. It is a real concern. It is a failure of reporting. It is a failure by the shareholder minister. It is a failure by the committee to hold NBN Co. to account for the problems with the rollout.

Really the coalition will address this because, if we have the honour of being elected on 14 September, we will address the issue of the digital divide directly by requiring NBN Co. to attend to those areas with the worst broadband services first. That is a major distinction. The Labor Party is quite happy to roll along, rolling out broadband wherever it is politically expedient, ignoring the needs of so many people in the bush. What we will be doing is: within 90 days of being elected we will have a report on the worst areas of broadband service and we will be directing NBN Co. not to duplicate services in Ballarat and not to duplicate services in metropolitan areas. We will be requiring them to address areas where there are problems with broadband—be they regional areas or metropolitan areas—not just addressing political problems for this Prime Minister and her beleaguered government. I think that is an important difference. Increasing the speeds where broadband must be most urgently improved will have the greatest productivity gains and the greatest enhancement in attending to the digital divide.

The coalition is focused not only on fixed line broadband. We are very mindful of the problems with regard to mobile. This government has dropped the ball on mobile communications. It has not spent one dollar on mobile communications since coming to office, and that is a major problem. If you have not noticed, I say to members opposite, since this project was mooted, we have had
the release of the iPhone and the iPad—have you heard about the iPhone or the iPad? They have come along. There is a massive demand for mobile service as well as for increasing demand in fixed line service.

I would say to you: focus on the entire digital situation, do not just blindly follow along this very narrowly focused NBN project with a single technology. The coalition will be addressing the issue of mobile communications if we are elected to government. The coalition will be delivering broadband services where they are needed most. We will be doing that first. The coalition will guarantee acceptable speeds for broadband for all Australians by 2016, unlike what the current government is going to do which will see people in regional areas perhaps waiting decades for their service to be connected because this government cannot manage major projects. This government cannot bring projects in on budget. We have seen pink batts and school halls being repeated again and again.

Mr HUSIC (Chifley) (16:10): Mr Deputy Speaker, through you, the member for Cowper, like all the Nationals in here, is an absolute sell-out when it comes to the issue of looking after communities by providing broadband and mobile infrastructure. Yet they are saying how terrible we are for what we are doing to change and transform the network, when they are prepared to see people in rural areas pay more under their plan.

They say they will get rid of uniform pricing. They say that it is okay to charge rural and regional areas more and dismantle uniform pricing. The member for Cowper, the member for Gippsland and all those Nationals just sit there. If they win office in September, don't you think the Liberals will call all the shots at the expense of National members? They will not care one jot about your regional—

Mr Tehan interjecting—

Mr HUSIC: Don't you dare distract me, member for Wannon, by throwing NBA scores in the middle of my rant. But they know deep in their hearts that the Liberal Party will completely roll over them, especially when it comes to telecommunications.

The NBN is spearheading economic transformation in this country. It will promote what is going on right now and will accelerate it even further. What is happening now in the business world and in the broader community is people are moving from an analog world to a digital one. This has major ramifications for the way that we will operate as a country and the way our economy will transform itself. This will be off the back of these hair-thin fibres delivering data at 300,000 kilometres a second, hands down the best technology for getting data to the end point and helping our economy's future growth.

What is this going to do? It will free up the nation from capacity constraint that those opposite were unable to fix when they tried nearly 20 times but failed. As much as they will say to people that we do not do this, they tried 19 times and failed 19 times to fix broadband in this nation. It was par for the course for those opposite who, whenever it came to a capacity constraint and whenever the Reserve Bank said that their inability to deal with infrastructure in this country was creating a capacity constraint and holding back the economy, never did anything about it. We are in the process of investing to free people from the digital divide, and those people stuck in a dial-up era will be able to get superfast broadband.

I welcome the member for Lyne's comments, because he is absolutely right to
say this is an investment in our economy. This will see, through an investment of just over $30 billion, the spread of economic benefit through a technology that is already delivering, according to Deloitte, $50 billion in economic value right now with $70 billion expected to be delivered in the future. It is going to see us change the way that we operate. That value can be seen in a range of areas. I am a member of the Joint Committee on the National Broadband Network, which the member for Lyne chairs. We have looked at the benefits of the NBN for healthcare, education, telework and all the things that have been done through the work of rolling out the NBN. Again, this is revolutionising our economy and helping us deliver a digital economy. On top of that, in the last few weeks we released our updated National Digital Economy Strategy. We updated the strategy that was released in May last year. For example, this will see us potentially becoming one of the world-leading digital economies by 2020.

So the economic value is undoubted, but what is the challenge? The big challenge is data growth. This is a point that was touched on by the member for Lyne. The statistics for where we are headed are amazing. CSC have quoted that they expect a 4,300 per cent increase in annual data generation by 2020. That is phenomenal. The drivers of this include a switch from analog to digital technology and a rapid increase in data generation by individuals and corporations alike.

There is always a sneaky attempt by the coalition to undermine the rationale for the NBN. The member for Wentworth did it today at the dispatch box. He talked about Netflix, video and IPTV. Talking about the NBN and being able to meet the needs of people wanting to download Netflix, movies or iTunes is their way of undermining the project. This is their way of saying that that is all the NBN is about—downloading movies and films. You have CSC saying that there will be a 4,300 per cent increase in data growth between now and 2020. They say it is being driven by a changeover from analog to digital technology, by corporations changing the way they are doing business and by the way we are living our lives. Those opposite are always looking down their noses to make it seem like the NBN is only about delivering movies and IPTV. It is more than that.

The opposition have wrestled with this for quite some time. They started on the basis that they would destroy the NBN. They then said that optic fibre would be outdated. This is a ridiculous argument. They said that this technology would be outgrown because of the pace of new technology yet they never pointed to what that might be. Then some relented and said: 'It is because of wireless. It is the rollout of mobile broadband. It is the rollout of 4G networks.' Most people know—and you can experience this in the most simple way—that if I am watching the Wanderers at Parramatta Stadium with all the other fans I cannot get onto social media and tweet something. Just try to tweet something using a mobile network in a stadium that holds 25,000 people. What do you get? Congestion, slower speeds and the inability to download. That is exactly the principle that is applied when you try to have a lot of people using a wireless network at the same time. It is incapable of dealing with demand.

Now those opposite have given up on that and they have gone to fibre to the node. At the same time they have been suggesting that this would be a much more efficient way and it will bring in a much better rate of return. I wish they would just land on one rate of return. We say that it will deliver seven per cent. They have not been able to undermine that whatsoever. The member for Wentworth said at the dispatch box that it will deliver no
rate of return and then the member for Cowper said it is going to deliver three per cent. They are just plucking figures like they are plucking technologies. They are just trying to find a way to undermine this project and do not really care if it relies on fact or not. They have wrapped themselves up in copper. They think this is the way of the future, but it is a technology only ever designed to deliver voice and has limited capacity in terms of the data delivery we are going to need in the future when there has been a 4,300 percentage point increase in data.

They say no-one else is doing this. What is Google doing in Utah? What is it doing in Kansas? Google is rolling out a network that it expects to make a profit off in all these parts of the world. Verizon are doing it in five states. We have all these other people out there doing this type of rollout. They have seen what we are doing right here in places like Gungahlin, Toowoomba, Bacchus Marsh, Hobart, Gosford, Townsville and my own neighbourhood of Blacktown, where we just turned on the NBN. This is seeing communities taken out of the dial-up world into one of superfast broadband.

The opposition are all here bagging it and trashing it, but when they get off the plane or get out of their car it is a different story. They become NBN cheerleaders. You have just witnessed them bagging it. What are the member for Mitchell, the member for Flynn, the member for Farrer, the member for Hume—the Deputy Speaker has also weighed in on this—the member for McPherson, the member for Stirling, the member for Swan and the member for Leichhardt saying? We have the member for McPherson saying that it was very disappointing that the NBN was not coming her way. The member for Farrer, Susan Ley, has said:

Broken Hill's residents are disappointed, as am I, but even more so the local business community which would have benefited from higher broadband speeds isn't getting the NBN.

There is another one. I am not going to quote the Deputy Speaker, but I will quote one of his colleagues. The member for Stirling said:

Without the NBN many families and businesses will have to continue to rely on slower connection speeds.

Michael Keenan is another NBN cheerleader. They bag it here, but when they get home they know what we know: this is a great technology—(Time expired)

Mr FLETCHER (Bradfield) (16:20): I am very pleased to rise to speak in this matter of public importance debate. The premise of this is that internet traffic is growing at a very sharp rate and therefore we urgently need the current deep fibre infrastructure build. That is the premise of the matter before the House this afternoon. In using the term 'deep fibre' we presume the member for Lyne is referring to a network architecture in which fibre goes all the way to the premises rather than to an intermediate point, such as the node. As the member for Lyne has made clear, the premise draws upon the forecasts that are provided regularly by Cisco. They most recently said that world internet traffic is expected to reach 1.4 zettabytes by the end of 2017.

I want to make three points in the time available to me. The first is that this matter for discussion draws too long a bow from what is contained in the Cisco forecast. The second is that, even if you accept the logic of this, it is predicated upon the assumption that the current build is going to be delivered on time so as to achieve this magnificent increase in capacity by 2017, when all the evidence demonstrates that that is a hopelessly unrealistic expectation. Thirdly, I want to make the point that the coalition's proposal to build out a national broadband
network using fibre to the node and, to around 20 per cent of premises, fibre to the premises will deliver the necessary increases more quickly and more cost effectively.

Let us start with the proposition that the matter of public importance draws too long a bow from the Cisco forecast. I note that Mr Boal, of Cisco, a local executive, is quoted as saying quite specifically:

… we're agnostic on the access technology but clearly significant increase in capacity is required—

So any direct connection between the Cisco forecast and fibre to the premises or fibre to the node or any other technology, any other network architecture, is drawing too long a bow.

More interestingly, what Cisco says is that the average broadband residential speed in Australia today is nine megabits per second and by 2017 it will be 39 megabits per second globally and therefore, by implication, a very serious problem, we need to get our skates on et cetera. The point, when you dig into the data, is that the world speed is assumed to grow very, very sharply. Today the world speed, according to Cisco, on average is 11.3 megabits per second, not much higher than Australia's, and it is to reach that global target of 39 megabits per second by 2017. So the implication that Australia is in some way significantly behind the rest of the world does not follow from the Cisco analysis. In fact, what the Cisco analysis shows is that this is a set of forecasts which assume a very sharp growth in traffic volumes predicated in turn on an assumption that the average bandwidth and the average speed available, not just in Australia but also around the world, is going to rise very sharply.

Despite the sense of looming crisis that the member for Lyne was keen to generate, if you look carefully at what Cisco says, one of its points is that the rate of growth of internet traffic is slowing. It notes that global internet traffic increased fourfold in the last five years and in the next five years it will increase threefold. No dispute; these are still spectacular rates of growth, but the actual point is that you are seeing a slight reduction in the rates of growth.

But let us talk specifically about methodologies used in the Cisco forecast. What the Cisco paper says is:

… assumptions are tied to fundamental enablers such as broadband speed and computing speed.

Indeed, if you dig into the detail their methodology is to start with a number of users that they assume will be in place by 2017, then a number of minutes of video that the average user is assumed to watch, and then an assumed number of kilobits per second, which it is assumed that watching video will require. The point is that the video that you will watch will depend upon the infrastructure that is available. If you plug into a forecast a set of assumptions about bandwidth available not just in Australia but also around the world, then that will generate a set of forecasts about traffic volumes. But the traffic volumes here are the dependent variable, so I am afraid the member for Lyne has got his logic the wrong way around. This MPI is flawed in logic. It is saying we will have a problem because the volumes will be too big for the pipes. In fact, the volumes depend upon the pipes. That is quite clear from looking at the methodology that Cisco used.

One of the assumptions behind the MPI is that an increase in usage will follow when the speed that is available increases. Another Cisco paper notes that there are significant qualifications on that assumption. It says:

… there is often a delay between the increase in speed and the increased usage, which can range from a few months to several years.
Now the other thing that is significant in what the member for Lyne had to say was that he again gave us this article of faith from supporters of NBN Co. that one of the key reasons that we apparently must have two-way fibre is because upload speeds are jumping and jumping and there will be a need for symmetrical services. Nobody contests that the upload proportion of data is growing. But what is very interesting is that the Cisco report says:

With the exception of short-form video and video calling, most forms of Internet video do not have a large upstream component.

As a result, traffic is not becoming more symmetric as many expected when user-generated content first became popular.

That is a really critical point because that goes to one of the premises that we are constantly told underpins the fibre-to-the-premises model of the current government—that is, traffic is becoming symmetrical and we are hopelessly in the Stone Age if we do not immediately introduce fibre everywhere to respond to that. What Cisco is saying is that is not right; the assumption that data is increasingly symmetrical is actually not proved out by the data. But, unfortunately, so often in this debate about broadband we hear wavy assumptions that are not backed up by the data.

Let us be clear: the coalition are strong supporters of an improved broadband infrastructure. We are strong believers in the social and economic benefits that follow. Personally, I have worked in policy and in the private sector in this area since the mid-90s. I am a passionate believer in broadband and I am a passionate opponent of the wasteful, ill-conceived, poorly constructed broadband plan that the present government is pursuing, and I am deeply grateful that the coalition is pursuing a rational, cost-effective plan that will deliver broadband more quickly to most Australians.

One of the problems with the current government's plan, and this is turning to the second point I wanted to make, is that the implementation is absolutely hopeless. Despite the broad and wavy aspirations that the member for Lyne is articulating, let us look at the numbers. The first corporate plan of NBN Co. said that by 30 June this year there would be 1.3 million premises passed by fibre. That was then wound back just a little bit, with the second corporate plan that came out midway through last year saying the number would be 341,000. That was then wound back again, earlier this year, when the company issued a revised forecast that said: 'Whoops! Sorry, we're not going to make either the first number or the second number. We are now going to make a third, much lower, number, which will be somewhere between 180,000 and 220,000—but don't hold us to the numbers because we're visionaries.' And then we have the actual number, as at May this year, which is about 104,000. Members of the House: when we put aside the wavy aspirations and look at the hard numbers on what is actually being delivered, this government's plan is not advancing Australia towards where we need to be—even if we accept the premise from the member for Lyne that we have a bandwidth crisis and we must immediately respond with pressing urgency.

Let me turn, thirdly and finally, to the merits of the coalition's plan which will deliver speeds to all Australians of between 25 and 100 megabits per second by 2016 and 50 and 100 megabits per second by 2019. The coalition's fibre-to-the-node proposal will be rolled out more quickly and with less variability and in a more reliable fashion than the chaotic mess we have seen from a Labor Party which jumped into an over-ambitious plan driven by political motivations without properly analysing what they were getting into. Is it any surprise that
when you had a network that was contrived for political reasons the actual execution of it turned out to be completely woeful? So if our policy objective is to build a broadband network which bests supports our prospects of meeting the agreed growth of data that will occur by 2017, the coalition's broadband plan is far and away the best and most reliable way to do it.

Mr MITCHELL (McEwen—Government Whip) (16:31): Very briefly, I rise to speak. What we have basically heard today in this MPI debate is how the coalition's plan will rob 74 per cent of Australians of fibre to the home, and that their plan for copper to the home, which is what they are making claims about, will actually mean that people will get slow speeds and they will not be brought into the 21st century. That is why what the member for Lyne is saying is exactly right when he says that fibre to the home will actually mean a better future for all Australians no matter where they live.

The SPEAKER: Order! The time for the MPI has concluded. The times were actually mixed up and we have gone over.

BILLS

Australian Education (Consequential and Transitional Provisions) Bill 2013
Third Reading

The SPEAKER: We are now up to the stage where what we are seeking is leave to be granted for the third reading to be moved immediately. There being no objection, leave is granted.

Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (16:32): by leave—I move:

That this bill be now read a third time.
Question agreed to.

Bill read a third time.

PARLIAMENTARY REPRESENTATION

Valedictory

Mr McCLELLAND (Barton) (16:33): on indulgence—I appreciate the indulgence of the House and the presence of those members who have come into the House—and indeed Senator Brandis has come across, which I appreciate. In preparing this, my last speech, I went back to the time of my first speech. But it was not my first official speech; it was actually a speech on a condolence motion for Mick Young. Mick, and my father, I suppose, were my political mentors. I had regard to Mick's impact on our nation's history and, indeed, political history and I think it is fair to say that Mick, as much as anyone, was responsible for bringing the Australian Labor Party from the language of class warfare to being a party that aspired to, and was capable of, governing for all Australians. Indeed, Mick proposed what was unthinkable to many in those days: he proposed establishing links with business. The business community then provided advice, established relationships and, in many cases, helpfully provided support. If Mick had not taken that step, the Australian Labor Party, I would suggest, would have remained unelectable.

It was, in fact, by building on Mick's legacy that the Hawke and Keating governments were able to draw together the combined resources of government, employers and the trade union movement to develop the Accord. I think that period of the Accord, from an economic point of view, had as much as anything to do with Australia coming into the 21st century as a modern economy. Indeed, it was during Mick's time that the famous 'It's Time' campaign was launched by Gough Whitlam in Bowman Hall in Blacktown in November 1972. Many
of us can recall that famous speech where Gough stood up with his stature and commenced with the words, 'Men and women of Australia'. Those words were, in fact, used by Ben Chifley to launch the campaign in 1943, but Gough has subsequently confirmed in an interview that the use of those words, 'Men and women', was deliberate, conveying an intention of the Australian Labor Party to govern in the interests of all Australians.

I am very proud to be the parliamentary representative of a party of such a tradition of bringing Australians together to act in the national interest, and I agree entirely with statements that have recently been made by the member for Hotham and the member for Batman that that tradition is inherently part of the tradition of Labor that we all have a responsibility to live up to. Indeed, it is a tradition that is very relevant to my electorate. My electorate of Barton is a remarkable area but the people are even more remarkable. It is very old in many ways, one of the oldest electorates in terms of people over the age of 60, but it is also very young, with 42 per cent of the electorate either coming from overseas or having a parent who was born overseas. What we have seen there is a snapshot of a real Australian success story: first-generation migrants coming out and often working in very menial jobs but, through their commitment to hard work, their commitment to family and their commitment to education, we are now seeing second and third generations who are literally leaders in their community—doctors, lawyers, accountants and professionals of all descriptions, very successful tradespeople, local business people and, indeed, political leaders at all levels of government. Can I at this point most significantly thank the people of Barton for their support for me in electing me and re-electing me on five successive occasions.

Obviously the highlight of my political career was the period that I spent as Attorney-General. But I can say that even there my experience as the member for Barton influenced the decisions and actions that I took. For instance, in implementing the Human Rights Framework that arose from the excellent report by Father Frank Brennan, I had very much in mind my constituents as a snapshot of Australia. The framework requires legislation to be assessed against Australian’s human rights obligations. Indeed, the Joint Committee on Human Rights, chaired by the Hon. Harry Jenkins, the former Speaker, who will also be making his valedictory speech next week, is a committee that very much engages with the community to give them the opportunity of providing input on how their rights have been affected. This is relevant not simply to so-called minority groups but very, very relevant to regional Australia, where in many cases services are still lacking when compared to their city cousins.

I take this opportunity to acknowledge the very valued friendships I have made across both sides of the chamber. I know that Dr Mal Washer will be giving his valedictory speech later this afternoon. From my point of view—and I think it is a universally held view—Mal is one of the finest men that I have ever met, and he will be a real loss to the parliament, as indeed will other members.

I also specifically acknowledge the relationship I have had with those members of the opposition I have been a shadow minister to and who, indeed, have been a shadow minister to me. Obviously in a political environment you do not always see eye to eye, but I can say that, on each and every occasion I dealt with them—in this case they were men—they dealt with me in good faith and I never, ever once questioned their motives, and those motives were to act
in the best interests of our nation. I think voters expect nothing more from their elected representatives and they are entitled to nothing less than that from their elected representatives.

It is very fortunate that Senator Brandis has come across to the House, for which I thank him. In my capacity as Attorney-General obviously I had most to do with him. We obviously had our disagreements but, on every occasion we had discussion, those discussions were cordial and constructive. Anything said in confidence remained in confidence and matters that could be resolved were resolved and, indeed, many successes from our collective point of view—that is, the parliament's collective point of view—were achieved. For instance, George's support for legislation amending some 80 pieces of legislation to remove discrimination against some same-sex couples was vital, as indeed was his support for introducing legislation to prohibit capital punishment from being reintroduced in Australia, which was potentially controversial. I am proud of the fact that both houses of parliament unanimously passed every bit of legislation in that context. That was in substantial part as a result of the support and decency, I thought, of Senator Brandis during that process.

My colleague the member for Batman spoke the other day of his relationship with state and territory counterpart ministers through the ministerial councils that are a vital part of the effective functioning of our federal system. Could I also add to that—and I am sure he would agree with me—the contribution made by representatives from New Zealand. I am fortunate to say that I have made lifelong friendships from those associations. I think collectively we can be very proud of our achievements.

If I had had a little longer in the role of Attorney-General—and I must say I did want a little longer—there were several things I would have liked to have finished. One of them—we almost got there but not quite—was the establishment of a national legal profession. I think that is important. I take this opportunity to express my appreciation in particular for the work of the New South Wales Attorney General, Greg Smith, and also the Victorian Attorney-General, Robert Clark, and their stellar support in that project. I wish every strength to their collective arms in further progressing that. I think it is a particularly important step. If a national legal profession is established it can literally be a trailblazer for business throughout Australia taking advantage of the massive opportunities that now exist in Asia.

The second issue that I should place on record is—again, I think it is fair to say—our collective concern as attorneys-general with the issue of Indigenous justice. That includes the rate of victimisation but also the rate of incarceration, particularly of young Aboriginal and Torres Strait Islanders. If I can have a further indulgence within an indulgence to give an example of that: I toured Kununurra and went on a night patrol with the local police. They took me to the township of Kununurra and standing on the street corners were teams of young people, some as young as eight. They expressed concern that later in the evening there was every prospect that those people would get into trouble. They then took me to the suburbs where these kids lived and you saw the reason they were on the streets. Quite frankly, the suburbs were dysfunctional because of the mayhem that alcohol had caused, and that was the reason the kids were on the street.

The advice of the police as to what they thought would help them was a drop-in centre and being a minister—and people will
have this opportunity after this election—it was relatively easy to find the $250,000-odd from departmental resources to establish such a drop-in centre. I visited that centre some 12 months later and saw about 40 kids. Some were playing basketball, some using computers and some watching videos—all in safety. It was pointed out to me, and I think tellingly pointed out to me, that the $250,000 that the department had easily found was the cost of detaining one Aboriginal or Torres Strait Islander child in juvenile detention for a year. I think those figures are telling. That is obviously a simplistic example of a very complex problem, but I think it just underlines what can be done—again on a very limited scale. All attorneys-general really want to focus on that issue and I think the time has come where not only the rates of victimisation but also the rates of incarceration, bringing down those rates, need to be made part of the Closing the Gap targets.

I will not continue on the ministerial councils for too long, but could I also acknowledge the work of the ministers on the emergency management side of the equation, who also made an excellent contribution. One of the outstanding things we collectively did was the establishment of the national emergency warning system, which has now sent out some seven million messages and, in the next few months, will probably become the world leader in its capacity to send out location based warnings for wherever someone's telephone headset is.

Again, by way of indulgence—as I suppose I am entitled to do at this stage of my career—can I compare my experience as Attorney-General, intimately involved in the national security side of the equation in the national security infrastructure, to that of my experience in my role as emergency management minister. I can say, unequivocally, that the capabilities we have in the national security area—the structures, the systems, the infrastructure—is world-class. It is absolutely best practice. Regrettably, I cannot say that in respect of the area of emergency management. The reality is that Australians are going to suffer far greater loss, injury and, unfortunately, loss of life from natural disasters—even greater than we would from a terrorist event—and we have not given enough attention to that area. In particular, we tend to have a focus on showing empathy with individual payments that are made after an event. It is appropriate that we do show empathy and provide some assistance for those who have suffered, but the task, I suggest, should be shifting the resources to the front end—to preventative measures—to prevent them suffering injury and loss in the first place, or at least to mitigate the extent of that. I think that is something that requires a dedicated Council of Australian Government meeting in itself.

Can I briefly express my appreciation to the public servants I worked with. I must say that I found them to be outstanding and, at risk of blurring the separation of powers, could I include court officers and judicial officers in that, as well as the outstanding service we receive in this House through the parliamentary officers who, despite the highly-charged atmosphere, have the universal respect of every member of this House. I think that is very important. It is my view, having observed the public service in operation—and having observed for a long time the parliament in operation—that we are doing so well as a country because of the quality of public servants, despite the shenanigans that can often take place in the parliamentary side of the equation.

I will move to those who have been, at a personal level, vital to the success I have had in parliamentary life. I thank my staff—many of whom are up in the gallery today—
and that obviously includes my electoral staff, who have been outstanding. One of them I inherited from Gary Punch and one of my ministerial staff I inherited from Philip Ruddock, and they are both still with me. Among the ministerial staff, I should also specifically acknowledge the departmental liaison officers. There were no distinctions in my office; they were all equally valued and they were certainly all equally dedicated and competent, and I thank them for the assistance that they gave.

As with all members, my friends, supporters and party members have all been crucial to our electoral success. I suppose, like all members, I am embarrassed to reflect that in many instances I only contacted the friends to invite them along to a fundraiser or to ask them to hand out on polling booths, and I daresay they are going to call me to account with lunches that I need to repay in the coming months—but that is something that I will look forward to.

I will move into what is obviously the foundation for all our work, and that is the family. I have been blessed in that respect. My mother and father are still well and still very supportive. My father does not stop providing me with advice every day, and that is despite the fact that he advised me against going into parliament in the first place and instead advised me to concentrate on a legal career. There have obviously been ups and downs, but I have no regrets. It has been an honour to follow in his steps and, indeed, in his fathers steps, as part of that tradition to which I have referred. My sisters and their partners have also been wonderful. I have my three daughters here today: Katelyn, Jessica and Claudia. That is in descending order of age. I could do the reverse in ascending order of height: Claudia, at 13, is taller. My son David is currently doing an exam and is unable to be here. They have been a tremendous strength, and Michelle and I are incredibly proud of them. They have pointed out to me that, over the last 17½ years, I have been away for about seven of those, and that is something that I will make amends for—at least until they get sick of it.

I also thank them for their humour. My son, David, I must say, is terrible. His political observations are very clever. They are usually directed at me and the office that I do or do not hold—and at my weight—but they are always well meaning. When I get out, I might write a book on some of his contributions. I must acknowledge—but perhaps I should not—that I cringed at some of the tweets he sent to David Speers and some other journalists, but good-natured humour appropriately brings us all down a peg.

My wife Michelle has been my bedrock. In 1996, the only way I persuaded her to allow me to go into parliament was to give an iron-clad guarantee—which are often given in politics—that I would be out by 50. I am now 55, but she has tolerated that. For those who know her, she is a remarkable lady. She is not someone to be crossed, as people have found out, but she has been incredibly loyal to me and she has kept me grounded. If I can give you an example of Michelle, I recall that after the victory that the Labor Party had in 2007—obviously a big night—I woke up and I expected, hopefully, to get a phone call to discuss possible ministries and so forth. The first thing Michelle said to me was, 'Remember that retaining wall you promised to build after the election?' I said yes. She said, 'Well, it's after the election.' So, hangover or not, I was out there with the chainsaw and the sledgehammer building that wall. When she says, 'Do something,' you do it.

On this point, there is also the famous three-day rule that she has. Inevitably, as part
of the democratic process, people will lose their seats, and inevitably they will be down as a result of that; the commitment to the work they have been doing and so forth will end. But she gave me three days. Invariably she would say to me after that time: 'Listen. You've been completely obnoxious for three days. Get over it or else.' Those who know Michelle knew that it was time to get over it. From the point of view of the McClelland household at least, she now holds an office that is far more significant than any I have ever attained: she was recently appointed as a director of St George Rugby League. When the coach finds out what a hidden weapon he has, she will be down giving the players a pep talk, and there is no question that the Dragons will make the final eight.

In conclusion, I can thank all those members who have paid me the courtesy of coming in. I thank all the friends and supporters. Indeed, I have a friend, Michael Forsyth—who is the General Manager of Kiama Council and who we went to primary school and high school with—who has popped in. Friends I have had throughout my life have been very important to me as well. I thank everyone once again. For those I have not thanked, I simply conclude by saying that I hope I have lived up to the support that they have been so wonderful in giving me. Thank you.

**Dr WASHER (Moore) (16:55):** Thank you, Madam Speaker. Rob, I congratulate you too. I cannot come over and shake his hand, because I have to make a speech, but he is a dear friend and I will miss him. I rise today with the opportunity to briefly reflect on nearly 15 years in this great institution as a serving parliamentarian for the constituency of Moore in Western Australia. It was early in 1998 that I had a visit from the president of the Moore division, Greg Sharp, who advised me that the seat of Moore needed a Liberal candidate. Given that I had been in general practice in the area for 26 years, and still was, he suggested strongly that I make application for preselection, which I won unopposed.

It was then I realised a whole new world was opening up before me. I told my family of my endeavours, and my wife, son and daughter thought I was ready for committal. I told my practice manager, Gloria—who I think you all know—of my idea to run for the seat of Moore in the federal parliament, and her response was: 'It's all right for you; if you lose, you can return to medicine. But what would an old chook like me do?' I quickly came back with the answer, and that was: 'Put it this way: if you come with me, you'll never be bored.'

A campaign committee was formed consisting of Senator Alan Eggleston; Geoffrey Paddick; Colin Edwards; Iain MacLean; Chris Baker, the state member for Joondalup; and Ian Goodenough. Others were Tess and Gary MacLean and Mary Anglin. The rest are too numerous to mention. I was encouraged to doorknock the electorate, which I must admit I was a bit reluctant to do. I did not normally do home visits, as I had 29 doctors working for me. I do not want to sound arrogant, but I usually got the younger ones to do. But I did it. When I had all the helpers—because I took a heck of a lot of helpers—my old patients
were not fooled by the message, 'Sorry I missed you,' in the letterbox when a member of my team visited, because they knew my handwriting was illegible. I had them ringing me and saying: 'Bulldust! You didn't leave that message.'

I was one of the members of the class of '98. They were and remain a great bunch of people who served and continue to serve this country with distinction.

Dr WASHER: I think you are one of them, are you? We all got on well, and it was a pleasure to note that some have gone to greater heights and others, like me, have stayed put. Coming to this place as a novice was, to borrow from my friend Judi Moylan, 'a great leap'. I did not always land in the target zone, but there were always many friends around to pick me up and point me in the right direction. I particularly welcomed the parties permitting conscience votes, enabling the lifting of the sometimes onerous shackles of party discipline so that members were free to express their individual opinions. Let us hope that this remains a cornerstone of free speech and expression as we contend with the greater need to balance ideals and individual opinion against the realities of political life.

I use this occasion to reflect also on the extension of my previous career as a prescribing doctor in a place where the Hippocratic oath I made as a general practitioner changed to the Samaritan oath as the House medical practitioner. That means I do not get paid, so you do not have to worry! Wine is always readily acceptable! I was in this role, and I rapidly came to know firsthand how the rigours, the intellectual toll and the sheer physical demands of being a representative of the people of Australia affected the lives and health of us all here. These stresses and anxieties take a terrible toll on some of us. Our working hours remain a serious challenge not only to our health and wellbeing but also to our productivity. I sincerely hope all future parliaments look at streamlining the hours for the sake of the health of the people who serve in it. Remember also it is the staff of this House and not just us to whom we have a responsibility.

As a medical practitioner here I feel humbled yet grateful for the many confidences shared, the trust shown and the friendships that have grown around the privilege of assisting and treating many of my parliamentary colleagues and staff members. I thank you for that.

I have endeavoured also throughout my time in this place to make a real difference not just to my colleagues but also to my constituents. I am particularly proud of the work I have been privileged to undertake in advancing the rights of women, both here and internationally, through my membership of the Parliamentary Group on Population and Development. We cannot have environmental sustainability without global population sustainability. We need to ensure that women throughout the world have equality, that they have the right to choose when and how many children they have and that they do not die in unwanted childbirth. We must continue to challenge the social, religious and other barriers to women's rights around the world. Achieving most of the millennium development goals depends on this.

I would like to think that my experience as a general practitioner has also been a assistance in advancing health policy in many areas. Being able to serve as a member of the Parliamentary Diabetes Support Group founded by the Hon. Judi Moylan has been a great honour, particularly with the Kids in the House. I think Judi loved that.
Throughout my time here I have been a firm proponent of stem cell research, and it is my earnest hope that scientific endeavours in this area will one day deliver the cures we so desperately need for the cruellest of the diseases affecting mankind. In America a week or so ago they did perfect somatic stem cell nuclear transfer. That is a great breakthrough. I pressed hard also for fewer barriers to accessing innovative medicines on the PBS and proper funding for all avenues of medical research. Perhaps my retirement from the House may reduce the usage of the PBS.

One of the causes I have been most passionate about is the issue of the use of illicit drugs and its treatment as a criminal offence. Whilst the popular refrain 'tough on drugs' is an easy phrase, the issues are much more complex and need sensitive consideration in line with mental health and social welfare issues. As chair of the Australian Parliamentary Group on Drug Law Reform I have lobbied governments and oppositions around the country to change the laws. We have also lobbied to have a reference to the Productivity Commission to consider the true cost to the Australian community of the current policies on the use of illicit drugs, thus enabling us to compare the cost of law enforcement versus harm reduction and prevention.

The use of some illicit drugs needs to be decriminalised. The use of some should change. We are losing too many of our young people because they are seen as criminals and, as a result, do not seek medical help. They are convicted of drug crimes rather than being helped with underlying causes. This impacts on their future options to be fully participating members of our society. I have been particularly concerned with the high rate of incarceration of Indigenous users, who are not helped but damaged by our current policies.

In my time here I have had the privilege of serving on many joint parliamentary committees and have chaired or participated in a number, including the Climate Change, Water, Environment and the Arts Committee—the name of this committee keeps getting longer—the Industry, Science and Resources Committee and the Legal and Constitutional Affairs Committee, to name a few.

There can be nothing more important than identifying work towards the measures that are going to protect our planet for the generations to come. I have seen firsthand the reality of the effect of climate change on this country and its biodiversity. Visiting every state and territory, the members of the committee on this have witnessed coastal erosion and forest degradation with potentially devastating effects. Leadership by this parliament and its successors in the creation of a sustainable future is a critical and growing priority for all Australians.

I would like to take this opportunity to thank my colleagues with whom I have served on all these committees for the productive, selfless and non-partisan devotion they have shown in the interests of Australians. Many of us are retiring on a voluntary basis at the end of this term. But I say to those who may be retiring involuntarily: stand tall and count yourself proud that you have been part of history serving in these hallowed halls. I will miss some of the fun I have had being a parliamentarian.

Like all of you present, I understand the art of doorknocking and the thrill of the first encounter of the dog. I like dogs though. My experience of larger dogs is that I have become an instant expert at the high-speed escape down the driveway in the absence of
someone to answer the flaming door. Another skill we developed in the electorate was something we stole from John Major and Bill Clinton—the life-size cut-out cardboard person. In the two elections following my introduction to parliament, I used life-size stand-up cut-out cardboard models of yours truly dressed up in the booths. They worked really well, especially for my older aged patients with failing vision who are prone to having a lengthy conversation with them before they realise they may have been had. These models are also appreciated by the local dogs, keen to mark them as part of their territory.

After the election, the electorate of Moore had a number of visits from party leaders, including John Howard and Treasurer Peter Costello. The function we ran with Peter Costello, who was a good Treasurer but who also could be the victim of the odd practical joke, proved it when he remarked on the brightness in the West of the big harvest full moon we sometimes get. He found it incredible. I explained to Peter the difference was due to the fact that he was looking at the face of it instead of the rear end of it.

On this note I must remind members that, despite views randomly expressed to the contrary, I consider myself to be one of the better behaved members of the House of Representatives. Even though I have unavoidably missed several divisions in almost 15 years, I have, surprisingly, yet to be removed from the chamber—and I am not looking to change that. Michael Ronaldson, who was the whip at the time I was first here, experienced me missing the first division. If you want a disaster, this was a disaster. He was really proud of me.

I came downstairs from a committee at 1.55. The technology in this place is not that good. Rather than returning to my room—I am on the outer fringes—I entered the chamber in readiness for question time. I noticed on my desk I had question No. 1 to John Howard, the Prime Minister. Members were entering the chamber early, and I thought they were very responsible. Disregarding this, I went out the door to go get question 1. Because, of course, I was in the vicinity of the chamber, the pager did not work and did not tell me of an impending division. So I went out and collected the question. They shut the doors and had a division, and Michael was unimpressed. I was treated to what is diplomatically called an 'expletive deleted' from Michael when he became aware I was not in my seat. That means there were some words I cannot use, and they were not four-letter words like 'icon'!

Another occasion that comes to mind is one of the last sittings at Christmas a few years ago. Labor members Graham Edwards and Kim Wilkie conned me into wearing reindeer horns at the end of question time after they had struck a deal with The West Australian newspaper that we would raise money for Anglicare. Brown paper bags containing the reindeer horns were taken to the chamber at 2 pm by each of us. As question time finished, Kim grabbed Graham in his wheelchair and whizzed him around to my side of the chamber, and all three of us donned these reindeer horns. The speaker of the day, Neil Andrew, tried unsuccessfully to call to order; unfortunately, order disintegrated rapidly. Kim Wilkie then decided to exit the scene with alacrity and grabbed Graham's wheelchair, whisking him out of this chamber and leaving burn marks on the carpet here. That left yours truly alone to suffer the wrath of Neil Andrew. Regardless, we managed to raise $2,000 for Anglicare, so it was worth it. And he didn't throw me out!

I would like to close by thanking those who have made my contribution to this
parliament possible. Without them, it would not have happened. Thanks to my party, the crossbench friends and the staff of this Parliament House. I would like to pay tribute to Ian Macfarlane, who was my neighbour in the early days and always a good friend and companion. When he got promoted to the front bench he gave support to my campaigns in the west, and I appreciate him continuing his friendship. To all my dear and valued friends in this place: I thank you all for your support and friendship. I also record my thanks and delight in being able to serve on the population development group with Senator Claire Moore, who proudly chairs the group. Others I want to thank are Ian Goodenough, the endorsed Liberal candidate for Moore and former president of the Moore division; his mother and father, Mary and Reg; and my good friends and electoral supporters Monika Dunnet and Alan Brown.

One thing I have learned over the years is the value of loyal and devoted staff. I would like to thank my personal staff at the Joondalup electoral office for their care and concern in dealing patiently with the various inquiries from my constituents; my office staff Jodie, Noelene, Dalma, Penny and Sue; Tim in the members' dining room, who tolerates Julie's complaining about the food all the time; the Comcar people; security staff; and everyone.

I would especially like to thank Gloria, my long-suffering, loyal and devoted PA—although I think the suffering is reciprocated by me sometimes! We have worked together for 35 years. It has sort of been a love-hate relationship. I have tried to get her certified, but her doctors are too frightened to support me doing it! She was known as 'Dragon Lady'. Kevin, you will be proud to know they tattooed 'Kevin 07' on her—I think she told you the story—when they had her as a victim under anaesthetic. Which she thoroughly deserved and couldn't get off for some time! A special and heartfelt vote of thanks to you, Gloria. I think I accurately predicted to you that this journey into public life would never be boring.

Last but by no means least, a particularly big and special thanks to my wife, Nola, and my kids for their support and understanding over the years.

I cannot think of one person I have met in this long journey I would not regard as a friend. I will miss all of you equally, and I wish you the best for your future endeavours. Thank you.

The SPEAKER: I congratulate and thank the member for Moore and wish him well in his retirement from this place.

Mr GIBBONS (Bendigo) (17:13): on indulgence: how do I follow an act like the delightful Dr Mal Washer? I wish him well.

I am going to start with the thankyou's because I do not want to miss out on people who deserve to be thanked. I will start with my campaign team over what has been almost 15 years. I am talking about Leigh Svendson, Sue McKenzie, Marty Stradbrook, Elaine Walsh and Bill Murray. Then, of course, there is my staff. I understand they are all watching this on the Sky channel in the office, probably drinking copious cups of tea and coffee. To Sue McKenzie, Lisa Lane, Marty Stradbrook, Jacinta Allan, Elaine Harrington, Neale Wilson—Neale is, unfortunately, no longer on this earth, but I will never forget the day he came to the office to deliver a phone message and his tie was completely shredded. He had leaned over the shredder to do something, and his tie dangled into it. He had this big, silly grin on his face and a shredded tie. Lorna Erwin, Peter Downes, the late Richard Clarke, Shannon Farley, Cassie Farley, Sandra Chenhall, Natalie Pretlove, Jacki Dimond, Katie Condliffe, Fabian Reid, Marg
Dear Ricott, Bill Murray, Jamie Driscoll, Stuart Mackenzie and Louise Fisher.

Of course I have to thank my wife, Diane. We have been constant companions since we were both 17 years of age. She has been a tower of strength for me. Our relationship has endured 35 years of the music sector, 35 years involvement in politics—and my support for the Collingwood Football Club. I would be lost without her.

I thought I would start by talking about my first speech in this House. I remember it well because we had a whip at that stage called Leo McLeay, and Leo used to delight in making things very difficult for people, especially if you happened to be from the Left. He did not even give me a day's notice: he told me on the day that I would be delivering my first speech later that afternoon—to which I said, 'Thank you very much.' So I had the speech prepared, and I remember sitting down just prior to the time I was due to get up, looking through the pages and noticing page 2 was missing. So I got up, sprinted out of the chamber, down the corridor, into the lift, up to the second floor, into my office, printed it off again, got all the way back and sat down just prior to getting the call. Of course, when I stood up to start delivering the speech I was puffing, panting and sweating. I could hear voices saying, 'Look, the poor soul, he's nervous, he's very concerned.' The truth is I was only slightly nervous but I was totally knackered!

On to more serious matters. I joined the Australian Labor Party on 3 September 1976. I remember that precise date because I got married on 4 September 1976. It was Labor's opposition to the war in Vietnam and particularly the influence of the late Dr Jim Cairns that guided me into 37 years of party membership and resulted in my election to this place in 1998. I am extremely proud of what we have been able to achieve since that date, and when I say 'we' I am talking about my office and the people associated with it.

Naturally I would have liked to have served on the front bench, in opposition or in government, administering a portfolio, but that was not to be. I had to defend some very narrow margins in the Bendigo electorate, especially during the early years, and I could not see any point in being away from the electorate to the extent required to manage a portfolio and then losing the seat as a result. Besides, during my first three parliamentary terms, to be available for promotion you had to kiss the backside of some of the subfractional warlords, usually self-appointed, to be guaranteed a spot. I was never prepared to do that. And as I am the sole member of my own subfaction, it would have been a little difficult for me to perform that task, actually. We changed the method of frontbench appointments in 2008 to allow the leader to select the team. I opposed that then and I still do. Consequently, I did not spend any time waiting, nor did I expect a phone call re promotion from either leader—and, of course, neither of them disappointed me.

But I am more than happy in what we—my office—have achieved. Our office has responded to more than 150,000 inquiries, always in a courteous and professional manner. For the period of 2007 to 2013 under the Labor governments, the Bendigo electorate has received more than $1.26 billion of federal government funding to improve community, education and health facilities, to maintain employment and social cohesion, to improve living standards and to address some of the major challenges facing our community, such as climate change and future communications needs.

I am proud to be a member of a party that has initiated milestone initiatives like: the price on carbon; exceptional management of...
the impact of the global financial crisis; low unemployment; low inflation and a low interest rate; the AAA credit rating; national education reform; the national disability scheme; the National Broadband Network; the resource rent tax, which is tax on mining company superprofits; the Murray-Darling Basin reform; and the apology to the stolen generation. It was very moving when Prime Minister Kevin Rudd delivered that great speech and it was a great privilege to be in the chamber then.

There have been a range of local campaigns which I am proud to be associated with. The Calder Highway campaign was a classic. We had a four-year campaign of struggle to get the Howard government to honour its commitment and fund a duplicated highway from Melbourne all the way to Bendigo. That was a major struggle and I am pleased to say it was delivered just prior to the 2007 election. The opposition, the Liberals, took the view then that they had no chance of winning the seat of Bendigo unless that was completed. They completed it, and I still won the seat. I am very proud of that.

There was the big campaign to maintain the Bushmaster contract. You would all be familiar with the Bushmaster, the armoured personnel carrier that is saving lives in Afghanistan as we speak. In 1997 the initial contract was signed with what was then Australian Defence Industries when the ADI Bushmaster protected mobility vehicle was chosen as the preferred option over the ASVS Taipan vehicle to proceed to the next stage. A production contract was signed with ADI for 370 Bushmasters to be delivered by 2002. There was and, believe it or not, there is still considerable opposition from senior Army and defence personnel regarding the suitability of the Bushmaster vehicle, with a clear preference from some for an overseas product. I still cannot believe that that exists today, even after all the success. In 2001 Peter Reith replaced John Moore as the defence minister and, after receiving a Defence recommendation, announced he intended cancelling the Bushmaster contract.

Labor made the Bushmaster contract and the Calder Highway the main issues in the 2001 federal election campaign. The Howard government won that election, but I was re-elected on that particular platform. In 2002 I took a deputation to the new defence minister, Senator Robert Hill, to argue the case for retaining the contract with what was then still Australian Defence Industries. On 26 June 2002 Defence Minister Hill announced that the government would honour a revised Bushmaster contract with ADI, with a reduced number of vehicles—I think it was down from 370 to 299. Thales Bendigo have now produced 1,000 Bushmasters. Just last Friday we celebrated the one-thousandth machine, and the former Minister for Defence Materiel, Jason Clare, told a large gathering of Thales employees recently that the ADF estimated that Bushmasters have saved close to 300 lives, mostly Australian, in combat in Iraq and Afghanistan. I am very, very proud of that.

The Australian Department of Defence LAND 121 Phase 4 vehicle replacement program will provide the ADF with up to 1,300 light protected mobility vehicles, or PMV-Ls, and some non-armoured vehicles to replace part of the current Land Rover fleet. Thales, the company that now owns ADI, had designed and built the Hawkei PMV-L to compete for this contract and, again, there was and still is, believe it or not, considerable opposition to Australian design from the Defence department, both military and civilian. On 23 April 2009, I took a briefing from the most senior people in the DMO on the LAND 121 Phase 4 project and the officials told me—and I had my senior staff member, Stuart Mackenzie, with me at
the time—that they did not believe Thales was capable of producing a light protected mobility vehicle. So we started an intensive lobbying campaign similar to the Bushmaster campaign of those earlier years.

On 26 May 2010, the Minister for Defence Materiel and Science, Greg Combet, announced funding for three Australian manufactured PMV-L vehicles to compete against the US JLTV. Thales, Force Protection and General Dynamics each received up to $9 million to develop prototypes. Thales' Hawkei was the only Australian designed and manufactured prototype in the competition. On 24 February 2011, Thales delivered two Hawkei prototypes to Defence for an intensive test and appraisal process. A recommendation to government on the preferred Australian PMV-L to compete with the successful US JLTV was anticipated later that year, with 2013 or early 2014 cited as a possible date for financial decision and a contract negotiation.

On 19 April, 300 people rallied in Bendigo in support of Australian defence manufacturing and Thales vehicle contracts. The Thales Hawkei won the Australian Defence Force 'Down Select' process—what we call the preferred tenderer status. This is the vehicle that they said Thales would never build and suddenly it had won the Down Select. It is now the preferred vehicle.

Defence minister, Stephen Smith, announced future prototype development funding for the Hawkei program. Thales has been granted another $38 million for Hawkei prototype development under the Defence Materiel Organisation first pass approval process and this brings the total Commonwealth investment to $47 million. So I am particularly proud of that. That is a contract worth potentially between $1.3 billion to Bendigo. Final testing and prototype development will continue throughout 2013-14 when contract negotiations should commence. All the hard work has been done and I think that the only risk that could lose a contract worth potentially $1.3 billion to $1.5 billion is the election of a coalition government. Both Tony Abbott and shadow Treasurer Joe Hockey have refused to guarantee that they will support funding for prototype development for the Hawkei, and that is a real shame. But I am confident that Labor will win the election anyway and it will be fine.

One of the other big campaigns I am proud to be associated with was the Defence Imagery and Geospatial Organisation, or DIGO. There was a recommendation from the Defence department to relocate that from Bendigo, where it has been since 1942, up to Canberra with about 130 jobs associated with it. Again we waged a major campaign and a deputation to Defence Minister Robert Hill. Bendigo has a lot to thank Senator Robert Hill for, I must say. He has been very, very supportive in giving us appointments in the first place, listening to the argument and then acting on it, usually in our favour. So I am always indebted to him. He announced that DIGO would stay in Bendigo. They would vacate Fortuna, the old historic mansion, and move to a new building which was yet to be built at a cost of about $11 million, and that has happened.

Another defence-related Bendigo success story is Australian Defence Apparel, ADA. This innovative company manufactures uniforms and personal body armour for defence requirements. One of the things I am very proud about in our defence manufacturing capability in Bendigo is the fact that we only make things that save lives; we do not make things that kill people. All our defence manufacturing is very philosophically pure. We make things like...
Bushmasters, that have saved 300 lives, and armour protection that saves the lives of people who serve in war zones.

I want to particularly acknowledge the outstanding contribution to Bendigo's economy through ADA by its founder, Brian Rush, who really needs to be canonised. He took on this company, bought it from Australian Defence Industry and privatised it. It is a privatisation success story that I am almost reluctant to talk about for obvious reasons, but it is a great success story and it is Brian's stewardship that it has certainly done it.

ADA has always invested its own resources into research and development and is constantly developing new products, like ceramics for lifesaving body armour, and, far from just sitting around waiting for lucrative government contracts, Brian Rush has always had the courage to invest in new materials and new products. And I am sure that under the new CEO David Giles Kaye we will also see ADA continue to provide innovative solutions in armour protection for our service men and women.

I have deliberately spent some time during this speech on Bendigo's defence and defence industry sector, and for a good reason. It is vital to our economy and jobs. In fact research by the City of Greater Bendigo Council—research that my office, or I, commissioned—showed that the sector is worth a massive $750 million in total output per year to Bendigo's economy and is responsible for around 830 direct jobs, with a full consumption effect of over 1,600 indirect jobs. Defence and defence manufacturing are vital components of the Bendigo economy.

I am particularly proud of the campaign we waged to make sure that the La Trobe University campus in Bendigo stayed, a major university in Bendigo, and that it was not gutted with all of the resources going to Bundoora—and I know that the member for Scullin and my good friend the member for Batman probably shared that same view. I commissioned four well-known Bendigo identities, Andrew Cairns, Jan Boynton, Ian McBean and my former chief of staff, the late Richard Clarke, to prepare a report on La Trobe University's future in Bendigo and the impact that it makes in Bendigo's economy. It is a major powerhouse in Bendigo's economy. They produced a great report, and when La Trobe was going through its own processes of what they called 'vertical integration', they actually adopted a lot of the recommendations from that report that I had commissioned. So I am particularly proud of that.

I am particularly proud of the campaign to preserve the book-printing industry in Maryborough, and my good mate the member for Hotham, sitting in front of me, would be well aware of that. He has been there and has visited plenty of times. Maryborough is a very small community in my electorate of Bendigo. It is one of the most depressed regions in Bendigo and this had the potential to devastate the biggest employer in that town. I lobbied cabinet ministers and just about everybody who would listen that this was a very, very silly move to make and I am pleased to say that the cabinet finally resolved in my favour—by one vote. But it was enough.

I am indebted to the local Bendigo media because, without their interest and assistance, the campaigns that I have just mentioned would have been much harder, and much, much harder. I am pleased to say that I have had an effective relationship with the Canberra press gallery; I have never annoyed them too much and by and large they have left me alone—and I appreciate that. That system worked very well!
I have been fortunate enough to make some lasting friendships from all sides of this House and from the staff—security staff, attendants and COMCAR drivers. I have enjoyed working with members opposite, and on various committees over the past 15 years, and I refer particularly to the member for Hinkler, the member for Barker and the member for New England, among others. In all seriousness, this parliament, and indeed this nation, is fortunate to have someone of the calibre of Tony Windsor in its ranks. I wish him well for the forthcoming election.

There are two members of the opposition that I regard as close friends. I will not name them—

Honourable members interjecting—Name them! Name them!

Mr GIBBONS: I will not name them because I do not want to embarrass them! But then again, the former member for Corangamite used to do a great job of embarrassing himself. Particularly, I say to all of them and to those who I am referring to, that friends of mine are friends for life.

This 43rd parliament has been particularly difficult and we have all had to make sacrifices. I have had to refrain from enjoying that extra scotch before dinner for fear of knocking myself out and missing a division! But sacrifices had to be made.

Valedictory speeches are a time for reflection, and generally for reflection about the past. I am going to be serious for a minute and now would like to spend a few moments reflecting on our nation's future, in particular two of the challenges that will face my successor as the member for Bendigo and the 44th parliament as a whole.

The first of these is climate change. Scientists tell us that the actions that the world takes in the next decade will be critical; critical to whether we manage to slow the effects of man-made global warming during the 21st century, or whether we leave our children and grandchildren to contend with potentially catastrophic changes to their way of life. I am proud of the fact that Labor came into office in 2007 recognising the importance of this challenge, and I am proud that as I leave this House Australia is doing its part by reducing its greenhouse gas emissions. The carbon-pricing scheme introduced into this parliament has placed Australia among the 35 countries and 13 regions that have implemented emissions trading schemes. Just yesterday, the city of Shenzhen in China launched an ETS that covers more emissions than Australia's entire carbon market. We have started doing our part, and it would be a tragedy if the anti-science attitude from the vested interests manages to divert us from that course.

The second great challenge for the next and subsequent parliaments is the shift of economic and political power from the Western nations to Asia. As the government's white paper recognises, the rise of Asia will be a defining feature of the 21st century. Within the life of the next couple of parliaments, Asia will not only be the world's largest producer of goods and services but will also be the world's largest consumer of them. It is already the most populous region in the world, and it will soon become home to most of the world's middle-class—I do not really like to use that term.

And we must not forget that there is more to Asia than India and China. Our nearest neighbour, Indonesia, is the fourth-largest country in the world. Its 17,000 islands command the air and sea approaches to Australia, yet still we know so little about this country that is on our own doorstep and which is already the 15th-largest economy in the world. It is somewhere we fly over on the way to somewhere else, or go to to enjoy the beaches. The changes going on to our north...
represent terrific opportunities for this country if we have the courage to take them.

But in order to do this, we must make some changes too. We have to be prepared to increase our engagement with the region. If we better understand its people and its cultures, we can be a major beneficiary of Asia's rising position in the world. Steering the country through these changes will be a major challenge for members of future parliaments. I leave this House optimistic about our nation's future; optimistic that we will be able to deal with the major challenges and take advantage of the opportunities that we face in the 21st century.

And that is probably an appropriate note on which to conclude my final speech in this place. I thank you all for attending.

The SPEAKER: I would like to congratulate the member for Bendigo on his speech and wish him well in his retirement from this place.

BUSINESS
Orders of the Day

Mr RIPOLL (Oxley—Parliamentary Secretary to the Treasurer and Parliamentary Secretary for Small Business) (17:34): by leave—I move:

That Federation Chamber order of the day No.22, private members' business relating to human rights in Vietnam, be returned to the House for further consideration and the resumption of the debate made an order of the day for a later hour this day.

Question agreed to.

MOTIONS

Competition and Consumer Amendment (Strengthening Rules About Misuse of Market Power) Bill 2013

Cyber-Safety
Reference to Federation Chamber

Mr RIPOLL (Oxley—Parliamentary Secretary to the Treasurer and Parliamentary Secretary for Small Business) (17:36): by leave—I move:

That the following orders of the day, private Members' business, be referred to the Federation Chamber for further consideration:
Competition and Consumer Amendment (Strengthening Rules About Misuse of Market Power) Bill 2013; and

Cyber-safety.

Question agreed to.

BILLS
Banking Amendment (Unclaimed Money) Bill 2013

Second Reading

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

Mr BUCHHOLZ (Wright) (17:36): I rise to speak on the Banking Amendment (Unclaimed Money) Bill 2013 currently before the House. But before I do I would like to place on the public record, being a new member in this House, that I had the privilege of witnessing three excellent, outstanding valedictory statements by men who have served not only this parliament but our nation very honourably. I would like to associate myself with their kind words. It steels me to be a better man in this place. By all standards, they are gentlemen to model oneself on. I compliment them on their efforts in the House and wish them well in whatever their endeavours may be into the future.
An honourable member: I thank the member for Wright.

Mr BUCHHOLZ: It is one of the more chivalrous duties undertaken. Now we are back to the business of bashing each other up again—the job at hand.

The bill currently before the House, the banking act, seeks to transfer funds of unclaimed money from bank accounts back to the Commonwealth, with refunds to authorised deposit-taking institutions—ADIs—if money is collected unnecessarily.

Some background on the bill: it is an attempt by the government, in its 2012 MYEFO, to find savings to bolster their now-defunct commitment of delivering surpluses in the 2013 budget. The government announced an array of changes relating to unclaimed monies in bank accounts, life insurance accounts, superannuation accounts and corporations, which I will go to and break up as to where the pots of money are.

In basic summary, what this bill seeks to do is to allow this government—as an unintended consequence of delivering the sixth biggest deficit for this nation, of not being able to balance the books and of reckless fiscal management—to now sink to a low. It allows them to sink to a low where, as a measure to try to strengthen the financial position of this nation, we are going into the bank accounts and the savings accounts of hard-working, decent Australians and taking that money if it has lain dormant for a period of time which I will outline in my speech. They are taking that so-called 'unaccounted for' money and relocating it to the government coffers to try to bolster their financial position. Shame on this government, I say; shame.

The changes they seek to bring forward relate to the time at which the money is recognised under the relevant law as lost or unclaimed. These will be the provisions which this government will use in order to activate parts of this bill. The time periods for accounts to be treated as unclaimed monies will be significantly shortened by these amendments by the government. For bank accounts, it will be reduced from seven years back to three. If you have a bank account sitting there, which had not had any activity in it for seven years, that would be picked up. I myself, as a holder of many accounts and having employed over 100 men and with 14 transports, had accounts that were taken under that seven-year rule. It was not a lot of money. At that time, you probably could have bought a car with the amount of money that was taken from my bank accounts. I can advise the House that the difficulties in trying to get that money back through the system, through the provisions that provide for that, are somewhat tiresome and clumsy. I had a team of internal accountants that worked for me full-time and it took virtually the entire dedicated team of my staff, that I paid, to try to get that money back. I lost some over that seven-year period, but this bill seeks to shorten that seven-year period to three years.

One of the unintended consequences of this bill, again, is that it mistakenly catches someone like a grandparent, an average grandparent, who may have the capacity to put some money away to help a grandchild or to bestow some money on a person later in life—a loved one. I am starting to get traffic now coming through my office—people are coming in and saying, 'Listen, I had $30,000 sitting in a bank account and it's gone! The government has taken it and it's sitting in a consolidated revenue account.' It is happening now. My offices are starting to raise these concerns. I say as a diligent member of this House: surely we have not fallen, as a parliament, to trying to prop ourselves up financially by raiding the bank accounts of our grandparents. It is a disgrace.
Have we, as a nation with the wealth, the education, the great skills and resources we have, now fallen to a new low, in a way somewhat similar to Cyprus? When they raided the bank accounts of their population it was condemned. Their action was condemned by the Prime Minister in this House at that very dispatch box. The actions of Cyprus were condemned, but behind the scenes they knew a bill was coming before the House with which this government would do exactly the same thing—where they would take unclaimed money.

But they are not just going to pull up at having a crack at your bank accounts. Life insurance money, previously treated as unclaimed money after seven years, could also be claimed after a reduced three-year period. Superannuation accounts with balances of less than $2,000 or accounts of unidentifiable members that have been inactive for 12 months will be required to be transferred to the Commissioner of Taxation as well. The theory behind that is that one person might have had a couple of jobs. There was a period of time—a generation—where when you got a job, that was the job you served at for life. When you look at the demographics of our younger workforce, today we have a far more fluid workforce, where it is not unfeasible that one would have maybe five or six employers—serious employers—over the lifespan of one's capacity to work and contribute to the nation.

Superannuation accounts that are not collectively joined and no longer have contributions paid into them will by default meet the definition of dormant. These become a great revenue base for this government to prop up their fiscal inabilities. The period of time for inactive superannuation accounts and those of unidentifiable members before they are transferred to the Australian tax office will be reduced from five years to 12 months.

Then there is the unclaimed property of corporations. The unclaimed property of a corporation could be assets held like artwork, paintings and other chattels. Those assets may not be owned by a single person or they may be left after creditors and others are paid when a corporation becomes defunct. Those assets also come under the auspices of this bill. Unclaimed property of corporations is now to be recognised directly in the Commonwealth Consolidated Revenue Fund upon receipt by the Australian Securities and Investments Commission as opposed to in the companies and unclaimed moneys special account.

I am going to share with you now the breakdown of the money. It totals roughly $886 million, which for this purpose I will round up to $900 million. That is the projected revenue that this bill intends to pick up. Firstly I talked about the dormant bank accounts. They will roughly come in at $92 million. If this is going to raise around $900 million and the cash component is just under $100 million, then the real bulk of this money is going to come from dormant superannuation funds. That is around $675 million over the forward estimates, with most of that being in the first 12-month period, 2012-13. The forecast for those funds is $513.5 million.

When you have a government that makes poor financial decisions you can see how they affect everyone. I want to share with the House the story of a friend of mine who has no political interest in the world whatsoever. Often we would get to the point of speaking about politics and he once said: 'It doesn't matter who is in government. It doesn't really affect me because I get paid the same whether Labor or Liberal are in.' I suggest that no-one can escape bills like this one. You will not be prejudiced on this if you have an allegiance to Labor or Liberal. If you have a dormant bank account or a dormant
superannuation account, you are going to get caught in this, irrespective of your political persuasion. So superannuation contributors are the big losers.

Try to be proactive. My advice to the nation, to my electors in Wright, to mums and dads and to people who work in the electorate I represent is: if you have any dormant superannuation accounts, consolidate them into one single account which you are continually contributing to and that will keep that superannuation account at arms-length of being deemed to be dormant. I encourage you to do that pronto, with haste.

Before this bill got to this place there was a government-controlled Senate economics committee inquiry held into this bill. The government recommended that the bill be passed. The coalition members of the Senate economics committee gave a fairly scathing dissenting report on this bill before it came to this House. The coalition moved a series of amendments which sought to delay the implementation of both schedules 1 and 2, which are the cash and the superannuation components relating to bank accounts and the first home saver accounts. We wanted to delay those for a full year. We wanted to delay those until 31 December to give people time. We wanted to raise awareness so that they could get out in front. We wanted to save them the heartache of finding out that their money had been taken from their bank accounts.

The coalition also sought to delay schedule 4, which relates to superannuation accounts, for a full year to align with the deadline of the autoconsolidation necessary under the previous announcements of the SuperStream reforms that are due to commence on 1 January 2014. So we would have had them aligned with legislation that was already planned. This government gave over 300 commitments—some will argue it was over 500—to deliver a surplus. Because the desire of the government to deliver a surplus was so intense, bills like this had to be brought forward so the revenue could be counted in this reporting period. The government could not afford to wait, so those amendments were disregarded.

The bill we are dealing with today is a result of the unintended consequences of a government that has lost its way, by its own definition. The fiscal management of this government will be a legacy that will haunt them for many years. This does not serve the interests of every Australian. This is a bad bill. It has been badly thought out. The procedures and processes for this bill have been rushed. I condemn this bill for the intended heartache it will cause Australians.

Mr RUDDOCK (Berowra) (17:52): In addressing my observations about the Banking Amendment (Unclaimed Money) Bill 2013 I will cite three examples that have been brought to my attention and that I think are relevant to this bill. But I also want to discuss this bill in context. The context is this: it had been thought in the past that if money had remained in bank accounts unclaimed, if those accounts had been dormant for some seven years, that the legitimate holder may no longer be aware that those funds were there—they may have died; there may be any number of explanations—then that money should not be left in an account available to essentially benefit the institution that holds it, but the government should take it on trust.

Provisions have been included in the legislation to enable the money, if it has been found to be missing by the person who was...
the owner, to be able to reclaim it. And seven years seemed not unreasonable. What the government has sought to do is to reduce that period to three years. You ask yourself: what are the policy reasons for doing that? Given that seven years was there and it deals with the situation where people may have lost track of the funds, why does it need to be reduced to a period of three years? What is the logical reason for doing so? I cannot think of any logical reason for doing so, other than the government—not because they are putting the money into a trust account available for the person to whom it belongs to be able to reclaim at a later date and holding it in trust for them, that is not is what is happening; what is happening is the money is being paid into consolidated revenue—is taking the money that is unclaimed and, in effect, spending it. That is what is happening.

It may be that if the government is not broke at some later period people can claim it back—maybe—but the government needs to be in pretty good odour for that to happen. What we have is a government that has billions of dollars—$340 billion or $350 billion—worth of debt. This money is about taking the funds of Australians, ostensibly on the basis that they have been lost or unclaimed, and using it for the government's use. In any other situation it would be called theft. I make the point that it may not be unreasonable when there is a fairly long period of time, but what is the reason for reducing the time? The reason for reducing the time is it is going to put money into consolidated revenue and reduce the debt.

It seems to me that when people have not claimed funds for seven years, it may reasonably be the case that nobody is going to turn up and claim them. But I suspect, with the period being three years, there are going to be a lot of people anxious about that situation and wanting to get it back. I do not know the extent to which Treasury have tried to understand the nature of those claims and to take it into account and to put it as a contingency. I hope they have done that. And you might find that if they made that study and it was a contingency, then the $100 million that they are expecting to benefit is illusory.

I want to deal with some of the circumstances that do arise. The honourable member who spoke before me, the member for Wright, mentioned accounts that grandparents and others might establish in the names of grandchildren—maybe for school fees, maybe to help them when they get engaged or married—but, if they fall on some hard times, they may not be able to add any money to the account. That there has been no transaction for three years may not be an unreasonable period but, because there has been no transaction—an additional amount added or money taken out—these funds will be forfeited to the Crown. That is essentially what is happening. You have to ask yourself: is that likely to happen? I think it is likely to happen quite frequently. My wife does this for our grandchildren, and as long as we are in a position to be able to afford to contribute it may well be that we are not going to be affected by this. But if you do not know that you have to make a transaction every year on that account, or at least every three years, you will suddenly find that the funds that you expected have been stripped away.

I have had a number of people raising this matter with me. One was an 86-year-old lady whom I know very well. She has something like $8,000 deposited in an account. She is a pensioner; she has not been able to add or subtract from that account. The money was set aside for her funeral costs and that has been stripped away. She is alarmed at the prospect that that is happening in her case.
I have had a real estate agent talk to me. He runs a business of letting properties. In relation to the tenants, he takes a bond to guarantee that if the tenant vacates the property and leaves it damaged, there can be restitution. But if there is no damage at the end of the lease, the funds are paid out. He has been in the situation where he has hundreds of accounts for each separate deposit. It is not a large trust account; he has to keep them separately. So he put the funds separately in an account for those tenants but if the tenants stay in the property for over three years the bond is lost. How reasonable is that? In his case, there are hundreds potentially.

When you go through it and look at what is required you are surprised, as I was, by the nature of the bureaucracy that we are implementing in relation to these matters where, to get your hard-earned cash back, you have to search ASIC’s MoneySmart website to find out that your unclaimed money has been taken. If the search discloses that it is there, you have got to take the OTN, the original transaction number, and then you have got to contact your bank and, in addition, with the original transaction number you may be required to provide proof of identification, so people are then asked to provide bank statements, passports, drivers licences. When the bank is satisfied that it has a claim from the rightful owner, it informs ASIC and the funds may then be returned.

This is a bureaucratic procedure that is being put in place because the government wants to deal ostensibly with its deficit and what it is essentially doing is taking the funds of Australians and appropriating them for the government's purpose. If you did that as a private person, you would not be losing your funds in these circumstances. I have said, there were arrangements that were in place. There is no suggestion they were not working appropriately. I do not think there is any evidence that there was a need for change and I have not heard any evidence of the need for change. What I have heard is that the government thinks it has found a way by which to obtain money for consolidated revenue by taking the bank accounts and the superannuation funds and the other deposits that have been identified for its purposes—a little over $900 million—and I suspect that the government will find that it will get far more claims from people that have had funds taken after a shorter period of three years and that this will not address the substantial issue which the government has advanced as being the reason for this measure.

In my view, there is no justification for it and it is appropriate to oppose the measure. I will continue to draw the attention of my constituents to the way in which this matter is being done, because I think that it is occasioning a very considerable anxiety amongst people who should not be losing their funds in these circumstances.

Mr BALDWIN (Paterson) (18:03): I find it rather amusing that here we are yet again in this House amending one of the government’s own bills, amending a bill that they rushed through as part of a $900 million money grab, with a hand deep into the pocket of Australian workers and taxpayers to grab their money. I would have thought that if you were a hung government you would have actually done a lot more homework on your legislation that was introduced, to make sure that you were not put in this position of having to go back to a hung parliament yet again to amend your own legislation.

By way of background as to this bill that we are talking about, the Banking
Amendment (Unclaimed Money) Bill 2013, what this government did, in seeking to prop up its bottom line because of its own mismanagement of economic affairs, was reduce the time frame by which the government could access Australian people's money in bank accounts. For bank accounts it reduced the period from seven to three years. For life insurance moneys, previously treated as unclaimed after seven years, the period was reduced to three years. Superannuation accounts with balances of less than $2,000 and the accounts of unidentifiable members that had been inactive for 12 months were required to be transferred to the Commissioner of Taxation Office. It was reducing from five years to 12 months the period of inactivity before which the superannuation accounts of unidentifiable members were transferred to the ATO and the unclaimed property of corporations was now to be recognised directly in the Commonwealth Consolidated Revenue Fund—impacting the underlying cash position of the Commonwealth—upon receipt by the Australian Securities and Investments Commission, as opposed to the companies and unclaimed moneys special account. As I said, this is nothing short of in essence a fraudulent, rapid, expedition of accessing Australians' cash in accounts. There was nothing wrong with the time frames that were there. This is purely a measure to gain access in particular in the 2012-13 year to some $700 million to prop up the bottom line.

In one area in particular, as was so eloquently put by my colleague the member for Berowra, there are people who put money aside before they retire for a long-term purpose, thinking about the days ahead. Perhaps one of the saddest things would be a person, particularly a pensioner, who may now be living on their own because their partner is deceased and, as my colleague the member for Berowra said, they have put aside money for their funeral fund, not wishing to pre-purchase their funeral but making sure their affairs were in order. They might have lived beyond the three-year period but they have had the money in the account without any activity.

I was informed that the addition of interest to the account still does not make that account an active account. How hard would it be for the family of a person who has passed away to then access money that the government has taken to prop up its financial position? What process and paperwork would they have to go through to find this account, identify this account and recover the moneys from that account to pay for funeral plans? These are issues that have not been thought through by this government.

One of the other areas, as put by many members in this House, is where grandparents—indeed, parents—on the arrival of a child or grandchild have put away money in an account for that person. Quite often it is to be for them when they turned 18 or when they turned 21, hoping it was an investment that would grow and be there for that person. If that account has not been added to by the parent or grandparent—indeed, anyone else—now after three years that account becomes inactive and the government gets direct access to that money. It is not that this money is held in a trust account by the government; it actually goes straight off the bottom line of consolidated revenue.

I would ask the minister in his summing up to advise the House what the cost of bureaucracy will be in going through and processing these claims for payments. Will it outweigh the benefit that you would have received after seven years in relation to a bank account as against three years? The cost of bureaucracy is becoming something that is
unsustainable in this government. I think what you have added to is the cost to government.

Another area I wish to talk about in particular is superannuation. I have been on the record congratulating the Keating government for introducing compulsory superannuation for people to look after their long-term affairs. But in the beginning, particularly in relation to the tourism industry, people moved from one job to another job to another job and each of those employers might have had separate superannuation funds. In the early days people could not actually move from one fund to another fund and therefore a lot of those accounts would have had under $2,000 in them. Those have now been consumed if they were inactive for 12 months. Young people, in particular, might have been transient or moving around or taken the overseas holiday for 12 months or two years. They come back and they find that all this money has been consumed. In relation to superannuation, where it might have been earning higher than the government approved rate, what will the government do to compensate people for the loss of earnings on that superannuation money? Nothing.

This bill would never have been under consideration if the government had been able to manage the financial affairs of this nation properly and adequately. This set of amendments would never have been before the House today if the government had put enough thought into what was going to happen when people started claiming money back. In fact, the purpose of this amendment is to amend the act to exempt reactivated accounts from being reported and transferred to the Commonwealth as unclaimed money and to allow the Commonwealth to provide refunds to authorised deposit-taking institutions if the money is collected unnecessarily.

An honourable member interjecting—

Mr BALDWIN: It is good, but the minister should have actually put some forethought into this before rushing in here with legislation, because so urgent was it to grab this money, particularly the $700 million in the financial year 2012-13 to prop up the bottom line accounts.

I do not intend to hold the House up any further on this other than to say that we will be supporting these amendments because they are common sense. But I think the bill as a whole, even though it was passed, stinks, because it is the wrong thing to do to Australians to rapidly access their money when there was nothing wrong with the time frames that were there originally. This government need to get a little better at their housekeeping if they want to be the government they purport to be and the financial managers they purport to be. The record has shown that they have not been.

Mr RIPOLL (Oxley—Parliamentary Secretary to the Treasurer and Parliamentary Secretary for Small Business) (18:12): I want to thank honourable members who have contributed to this debate on the Banking Amendment (Unclaimed Money) Bill 2013. The bill exempts reactivated accounts from being reported and transferred to the Commonwealth. These are accounts that technically meet the current definition of unclaimed moneys or where there has been a recent transaction to indicate that the account is not unclaimed. Under current legislation banks are required to report or transfer to the Commonwealth all accounts that are unclaimed as at the applicable assessment date. In some cases banks, building societies and credit unions may have allowed customers to transact on accounts after the assessment date. This bill ensures that, where an account holder has reactivated an account by making a transaction after being assessed
as unclaimed, the account will not be transferred to the Commonwealth unnecessarily. By reducing the number of accounts transferred to the Commonwealth, these changes will allow the government to focus its resources on reuniting accounts with their rightful owners, where the accounts are genuinely lost.

The bill also allows the government to return funds to a financial institution if the institution has inappropriately transferred an account to the Commonwealth or if the institution has reimbursed the account holder prior to a refund request being processed. This bill will assist the government to achieve its objective to reunite more Australians with their moneys and protect their money from erosion by fees and charges. I commend this bill to the House.

Question agreed to.

Bill read a second time.

Message from the Administrator recommending appropriation announced.

Third Reading

Mr RIPOLL (Oxley—Parliamentary Secretary to the Treasurer and Parliamentary Secretary for Small Business) (18:14): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Public Interest Disclosure Bill 2013

Report from Federation Chamber

Bill returned from Federation Chamber with amendments; certified copy of the bill and schedule of amendments presented. Ordered that this bill be considered immediately.

(1) Clause 8, page 6 (after line 26), after the definition of Commonwealth contract, insert:

> **Commonwealth tribunal** means:
> (a) a body established as a tribunal by or under a law of the Commonwealth; or
> (b) a statutory officeholder prescribed by the PID rules for the purposes of this paragraph.

(2) Clause 8, page 7 (lines 16 and 17), omit the definition of designated publication restriction, substitute:

> designated publication restriction means any of the following:
> (a) section 121 of the Family Law Act 1975;
> (b) section 91X of the Migration Act 1958;
> (c) section 110X of the Child Support (Registration and Collection) Act 1988;
> (d) a non-publication order (within the meaning of Part XAA of the Judiciary Act 1903) of any court;
> (e) a suppression order (within the meaning of Part XAA of the Judiciary Act 1903) of any court;
> (f) an order under section 31 or 38L of the National Security Information (Criminal and Civil Proceedings) Act 2004;
> (g) an order under section 28 of the Witness Protection Act 1994;
> (h) an order under subsection 35(2) of the Administrative Appeals Tribunal Act 1975;
> (i) a direction under section 35AA of the Administrative Appeals Tribunal Act 1975;
> (j) a direction under subsection 25A(9) of the Australian Crime Commission Act 2002;
> (k) section 29B of the Australian Crime Commission Act 2002;
> (l) a direction under section 90 of the Law Enforcement Integrity Commissioner Act 2006;
> (m) section 92 of the Law Enforcement Integrity Commissioner Act 2006.

(3) Clause 8, page 8 (lines 18 to 20), omit the definition of inadequate.

(4) Clause 8, page 9 (line 21), omit "tribunal", substitute "Commonwealth tribunal".

(5) Clause 8, page 10 (after line 19), after the definition of statutory officeholder, insert:
supervisor, in relation to a person who makes a disclosure, is a public official who supervises or manages the person making the disclosure.

(6) Clause 11, page 12 (line 12), after "for", insert "knowingly".

(7) Page 12 (after line 16), after clause 11, insert:

11A Designated publication restrictions

Section 10 does not apply to civil, criminal or administrative liability (including disciplinary action) for making a disclosure that contravenes a designated publication restriction if the person making the disclosure:

(a) knows that the disclosure contravenes the designated publication restriction; and

(b) does not have a reasonable excuse for that contravention.

(8) Clause 18, page 15 (line 22) to page 16 (line 10), omit the clause, substitute:

18 Costs only if proceedings instituted vexatiously etc.

(1) In proceedings (including an appeal) in a court in relation to a matter arising under section 14, 15 or 16, the applicant for an order under that section must not be ordered by the court to pay costs incurred by another party to the proceedings, except in accordance with subsection (2).

(2) The applicant may be ordered to pay the costs only if:

(a) the court is satisfied that the applicant instituted the proceedings vexatiously or without reasonable cause; or

(b) the court is satisfied that the applicant's unreasonable act or omission caused the other party to incur the costs.

(9) Clause 19, page 16 (line 15), omit the penalty, substitute:

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(10) Clause 19, page 16 (line 29), omit the penalty, substitute:

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(11) Page 17 (after line 4), at the end of Subdivision B, add:

19A Interaction between civil remedies and offences

To avoid doubt, a person may bring proceedings under section 14, 15 or 16 in relation to the taking of a reprisal, or the threat to take a reprisal, even if a prosecution for an offence against section 19 in relation to the reprisal or threat has not been brought, or cannot be brought.

(12) Heading to Subdivision D, page 18 (line 28), omit the heading, substitute:

Subdivision D—Interaction with the Fair Work Act 2009

(13) Clause 22, page 19 (line 1), after "employee", insert "(within the meaning of that Part)".

(14) Page 19 (after line 5), after clause 22, insert:

22A Interaction with remedies under the Fair Work Act 2009

(1) A person is not entitled to make an application to the Federal Court or Federal Circuit Court for an order under section 14, 15 or 16 of this Act in relation to particular conduct if another application has been made:

(a) under section 539 of the Fair Work Act 2009 in relation to a contravention of section 340 or 772 of that Act constituted by the same conduct; or

(b) under section 394 of the Fair Work Act 2009 in relation to the same conduct.

(2) A person is not entitled to apply under:

(a) section 539 of the Fair Work Act 2009 for an order in relation to a contravention of section 340 or 772 of that Act constituted by particular conduct; or

(b) section 394 of the Fair Work Act 2009 for an order in relation to particular conduct;

if another application has been made for an order under section 14, 15 or 16 of this Act in relation to the same conduct.

(3) This section does not apply if the other application mentioned in subsection (1) or (2) has been discontinued or has failed for want of jurisdiction.

(15) Page 19 (before line 6), before clause 23, insert:
Subdivision E—Miscellaneous

(16) Clause 25, page 21 (line 8), after "recipient", insert "or a supervisor".

(17) Clause 25, page 21 (lines 17 and 18), omit "designated publication restrictions and".

(18) Clause 25, page 21 (lines 20 to 22), omit note 1, substitute:

Note 1: Disclosable conduct, authorised internal recipient and intelligence information are defined in Subdivisions B, C and D.

(19) Clause 26, page 22 (table item 1), omit the table item, substitute:

| 1 Internal disclosure | An authorised internal recipient, or a supervisor of the discloser | The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct. |

(20) Clause 26, page 22 (paragraph (a) of the cell at table item 2, column 3), omit the paragraph, substitute:

(a) The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct.

(21) Clause 26, pages 22 and 23 (paragraphs (c) and (d) of the cell at table item 2, column 3), omit the paragraphs, substitute:

(c) Any of the following apply:

(i) a disclosure investigation relating to the internal disclosure was conducted under Part 3, and the discloser believes on reasonable grounds that the investigation was inadequate;

(ii) a disclosure investigation relating to the internal disclosure was conducted (whether or not under Part 3), and the discloser believes on reasonable grounds that the response to the investigation was inadequate;

(iii) this Act requires an investigation relating to the internal disclosure to be conducted under Part 3, and that investigation has not been completed within the time limit under section 52.

(22) Clause 26, page 23 (paragraph (f) of the cell at table item 2, column 3), omit "in the public interest", substitute "to identify one or more instances of disclosable conduct".

(23) Clause 26, page 23 (paragraph (g) of the cell at table item 2, column 3), omit the paragraph.

(24) Clause 26, page 24 (paragraph (e) of the cell at table item 3, column 3), omit the paragraph.

(25) Clause 26, page 24 (after line 3), after subclause (2), insert:

(2A) A response to a disclosure investigation is taken, for the purposes of item 2 of the table in subsection (1), not to be inadequate to the extent that the response involves action that has been, is being, or is to be taken by:

(a) a Minister; or

(b) the Speaker of the House of Representatives; or

(c) the President of the Senate.

(26) Clause 26, page 24 (after line 6), before paragraph (3)(a), insert:

(aa) whether the disclosure would promote the integrity and accountability of the Commonwealth public sector;

(ab) the extent to which the disclosure would expose a failure to address serious wrongdoing in the Commonwealth public sector;

(ac) the extent to which it would assist in protecting the discloser from adverse consequences relating to the disclosure if the disclosure were a public interest disclosure;

(ad) the principle that disclosures by public officials should be properly investigated and dealt with;

(ae) the nature and seriousness of the disclosable conduct;

(27) Heading to clause 32, page 29 (line 20), omit "tribunals", substitute "Commonwealth tribunals".

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(28) Clause 32, page 29 (line 30) to page 30 (line 3), omit paragraph (1)(c), substitute:

(c) conduct of:

(i) a member of a Commonwealth tribunal; or

(ii) the chief executive officer of a Commonwealth tribunal; or

(iii) a member of the staff of the chief executive officer of a Commonwealth tribunal;

when exercising a power of the Commonwealth tribunal; or

(29) Clause 32, page 30 (line 4), omit "tribunal", substitute "Commonwealth tribunal".

(30) Clause 32, page 30 (lines 14 to 27), omit subclause (3), substitute:

(3) **Member of the staff** of the chief executive officer of a court or Commonwealth tribunal means:

(a) an officer of the court or Commonwealth tribunal (other than the chief executive officer); or

(b) a member of the staff of the registry or registries of the court or Commonwealth tribunal; or

(c) an officer or employee of an agency whose services are made available to the court or Commonwealth tribunal; or

(d) a person prescribed by the PID rules to be a member of the staff of the court or Commonwealth tribunal for the purposes of this Act.

Note: For declaration by class, see subsection 13(3) of the Legislative Instruments Act 2003.

(4) For the purposes of subsection (3):

(a) a judicial officer of a court is not taken to be an officer of the court; and

(b) a member of a Commonwealth tribunal is not taken to be an officer of the tribunal; and

(c) if a statutory officeholder is a Commonwealth tribunal—the statutory officeholder is not taken to be an officer of the tribunal.

(31) Clause 34, page 32 (line 1), omit the note, substitute:

Note 1: For **authorised officer**, see section 36.

Note 2: A discloser may also disclose information to his or her supervisor (who is then obliged under section 60A to give the information to an authorised officer).

(32) Subdivision D, clauses 37 to 39, page 33 (line 13) to page 34 (line 32), omit the Subdivision.

(33) Heading to Subdivision E, page 35 (line 1), omit the heading, substitute:

**Subdivision D—Intelligence information**

(34) Clause 40, page 35 (lines 2 to 25), omit the clause.

(35) Clause 42, page 38 (line 5), after "an agency", insert "(either directly by the discloser or through a supervisor of the discloser)".

(36) Clause 42, page 38 (lines 8 to 10), omit the note, substitute:

Note 1: In order for a disclosure to be an internal disclosure (one of the types of public interest disclosure), the disclosure must be made to an authorised officer or a supervisor.

Note 2: The way a disclosure is allocated (or a refusal to allocate a disclosure) may be the subject of a complaint to the Ombudsman under the Ombudsman Act 1976, or (in the case of an intelligence agency) to the IGIS under the Inspector-General of Intelligence and Security Act 1986.

(37) Clause 43, page 38 (lines 12 to 17), omit subclause (1), substitute:

(1) If a person (the discloser) discloses information:

(a) to an authorised officer of an agency (the recipient agency); or

(b) to a supervisor of the discloser who then gives the information to the authorised officer,

the authorised officer must allocate the handling of the disclosure to one or more agencies (which may be or include the recipient agency).

Note 1: For the assistance that authorised officers must give to disclosers, see section 60.

Note 2: For the obligation of supervisors to give information to authorised officers, see section 60A.
(38) Clause 44, page 39 (line 28), after "authorised officer", insert ", and the discloser consents to the principal officer being informed".

(39) Clause 44, page 39 (after line 28), after subclause (1), insert:

(1A) The authorised officer must also inform:

(a) if the disclosure is allocated to an agency that is not the Ombudsman, the IGIS or an intelligence agency—the Ombudsman; or

(b) if the disclosure is allocated to an intelligence agency—the IGIS;

of the matters of which the principal officer of the agency must be informed under subsection (1).

(40) Clause 44, page 39 (lines 29 and 30), omit "if the discloser is readily contactable".

(41) Clause 44, page 39 (lines 32 and 33), omit ", if the discloser is readily contactable,".

(42) Clause 44, page 40 (after line 4), at the end of the clause, add:

(4) Subsection (2) or (3) does not apply if contacting the discloser is not reasonably practicable.

(43) Clause 46, page 41 (after line 10), at the end of the clause, add:

Note: The way a disclosure is investigated (or a refusal to investigate a disclosure) may be the subject of a complaint to the Ombudsman under the Ombudsman Act 1976, or (in the case of an intelligence agency) to the IGIS under the Inspector-General of Intelligence and Security Act 1986.

(44) Clause 48, page 42 (lines 6 and 7), omit paragraph (1)(b).

(45) Clause 48, page 42 (lines 10 and 11), omit paragraph (1)(d), substitute:

(d) the disclosure is frivolous or vexatious; or

(46) Clause 48, page 42 (lines 36 and 37), omit subparagraph (1)(i)(i), substitute:

(i) because the discloser's name and contact details have not been disclosed; or

(47) Clause 49, page 43 (line 34), omit "if the discloser is readily contactable—".

(48) Clause 49, page 44 (after line 1), at the end of the clause, add:

(4) Paragraph (3)(b) does not apply if contacting the discloser is not reasonably practicable.

(49) Clause 50, page 44 (line 3), omit "If the discloser is readily contactable, the", substitute "The".

(50) Clause 50, page 44 (line 4), after "must", insert ", as soon as reasonably practicable,".

(51) Clause 50, page 44 (after line 10), after subclause (1), insert:

(1A) If paragraph (1)(a) applies, the principal officer must inform the discloser of the estimated length of the investigation.

(52) Clause 50, page 44 (after line 26), at the end of the clause, add:

(5) This section does not apply if contacting the discloser is not reasonably practicable.

(53) Page 44 (after line 26), after clause 50, insert:

50A Notification to Ombudsman or IGIS of decision not to investigate

(1) If:

(a) the principal officer of the agency has decided under section 48 or 49 not to investigate the disclosure under this Division, or not to investigate the disclosure further; and

(b) the agency is not the Ombudsman, the IGIS or an intelligence agency;

the principal officer must inform the Ombudsman of the decision, and of the reasons for the decision.

(2) If:

(a) the principal officer of the agency has decided under section 48 or 49 not to investigate the disclosure under this Division, or not to investigate the disclosure further; and

(b) the agency is an intelligence agency;

the principal officer must inform the IGIS of the decision, and of the reasons for the decision.

(54) Clause 51, page 45 (line 15), omit "If the discloser is readily contactable, the", substitute "The".
(55) Clause 51, page 45 (line 29), at the end of paragraph (5)(b), add:

; or (iv) contravene a designated publication restriction.

(56) Clause 51, page 45 (after line 29), at the end of the clause, add:

(6) Subsection (4) does not apply if contacting the discloser is not reasonably practicable.

(57) Clause 52, page 46 (lines 19 to 22), omit subclause (5), substitute:

(5) If the 90-day period is extended, or further extended:

(a) the Ombudsman or the IGIS, as the case may be, must inform the discloser of the extension or further extension, and of the reasons for the extension or further extension; and

(b) the principal officer of the agency must, as soon as reasonably practicable after the extension or further extension, inform the discloser of the progress of the investigation.

(5A) Subsection (5) does not apply if contacting the discloser is not reasonably practicable.

(58) Clause 55, page 48 (lines 1 to 6), omit the clause.

(59) Clause 57, page 50 (line 3), omit "section 40", substitute "section 8".

(60) Clause 58, page 51 (line 6), after "authorised officers", insert ", supervisors".

(61) Clause 58, page 51 (after line 8), at the end of the clause, add:

Note: The way the additional obligations are complied with (or non-compliance with the additional obligations) may be the subject of a complaint to the Ombudsman under the Ombudsman Act 1976, or (in the case of an intelligence agency) to the IGIS under the Inspector-General of Intelligence and Security Act 1986.

(62) Page 52 (after line 21), after clause 60, insert:

60A Additional obligations of supervisors

If:

(a) a public official discloses information to a supervisor of the public official; and

(b) the supervisor has reasonable grounds to believe that the information concerns, or could concern, one or more instances of disclosable conduct; and

(c) the supervisor is not an authorised officer of the agency to which the supervisor belongs; the supervisor must, as soon as reasonably practicable, give the information to an authorised officer of the agency.

(63) Clause 65, page 55 (lines 19 and 20), omit "or another law of the Commonwealth".

(64) Clause 65, page 55 (lines 23 and 24), omit "or another law of the Commonwealth".

(65) Clause 65, page 55 (line 25) to page 56 (line 5), omit paragraphs (2)(c) and (d), substitute:

(c) the disclosure or use is for the purposes of, or in connection with, taking action in response to a disclosure investigation; or

(66) Clause 65, page 56 (lines 21 to 23), omit subclause (4).

(67) Clause 70, page 64 (after line 7), after subclause (3), insert:

(3A) This section does not apply if the individual is a judicial officer or is a member of a Royal Commission.

(68) Clause 73, page 67 (line 16), omit "tribunal", substitute "Commonwealth tribunal".

(69) Clause 75, page 69 (line 5), omit "section 40", substitute "section 8".

(70) Clause 78, page 71 (lines 9 to 17), omit subclause (1), substitute:

(1) A person who is:

(a) the principal officer of an agency or a delegate of the principal officer; or

(b) an authorised officer of an agency; or

(c) a supervisor of a person who makes a disclosure;

is not liable to any criminal or civil proceedings, or any disciplinary action (including any action that involves imposing any detriment), for or in relation to an act or matter done, or omitted to be done, in good faith:

(d) in the performance, or purported performance, of any function conferred on the person by this Act; or
(e) in the exercise, or purported exercise, of any power conferred on the person by this Act.

(71) Clause 78, page 71 (line 20), omit "section 40", substitute "section 8".

(72) Clause 81, page 72 (lines 8 to 17), omit the clause.

(73) Page 72 (after line 24), after clause 82, insert:

82A Review of operation of Act
(1) The Minister must cause a review of the operation of this Act to be undertaken.

(2) The review must:
(a) start 2 years after the commencement of this section; and
(b) be completed within 6 months.

(3) The Minister must cause a written report about the review to be prepared.

(4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

The DEPUTY SPEAKER (Mr Murphy)
(18:15): The question is that the amendments be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr BUTLER (Port Adelaide—Minister for Mental Health and Ageing, Minister for Housing and Homelessness, Minister for Social Inclusion and Minister Assisting the Prime Minister on Mental Health Reform)
(18:15): by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Public Interest Disclosure
(Consequential Amendments) Bill 2013

Report from Federation Chamber
Bill returned from Federation Chamber without amendment; certified copy of the bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr BUTLER (Port Adelaide—Minister for Mental Health and Ageing, Minister for Housing and Homelessness, Minister for Social Inclusion and Minister Assisting the Prime Minister on Mental Health Reform)
(18:16): by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Sugar Research and Development Services Bill 2013

Report from Federation Chamber
Bill returned from Federation Chamber without amendment; appropriation message having been reported; certified copy of the bill presented.

Bill agreed to.

Third Reading

Mr BUTLER (Port Adelaide—Minister for Mental Health and Ageing, Minister for Housing and Homelessness, Minister for Social Inclusion and Minister Assisting the Prime Minister on Mental Health Reform)
(18:17): by leave—I move:
That this bill be now read a third time.

Question agreed to.

Bill read a third time.
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013

Report from Federation Chamber

Bill returned from Federation Chamber with amendments; certified copy of the bill and schedule of amendments presented.

Ordered that this bill be considered immediately.

(1) Schedule 1, page 3 (line 3), omit the heading.
(2) Schedule 1, items 1 to 12, page 3 (line 4) to page 5 (line 8), omit the items.
(3) Schedule 1, page 5 (line 9), omit the heading.
(4) Schedule 1, items 13 and 14, page 5 (lines 10 to 13), omit the items.

The DEPUTY SPEAKER (18:18): The question is that the amendments be agreed to.

Question agreed to.

Bill, as amended, agreed to.

Third Reading

Mr BUTLER (Port Adelaide—Minister for Mental Health and Ageing, Minister for Housing and Homelessness, Minister for Social Inclusion and Minister Assisting the Prime Minister on Mental Health Reform) (18:19): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Migration Amendment (Temporary Sponsored Visas) Bill 2013

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

That all words after "That" be omitted with a view to substituting the following words:

consideration of the bill not be concluded by the House until a:

(1) full research report is completed by the Department of Immigration and Citizenship on the true incidence and nature of abuses and non-compliance within the 457 visas programme in comparison to other programmes to substantiate the requirement for the measures proposed in the bill;

(2) full consultation programme with industry and other stakeholders has been conducted by the Department of Immigration and Citizenship on the impacts of the measures contained in the bill; and

(3) regulatory impact statement has been completed by the Government in relation to Schedule 2 of the bill relating to the proposed labour market testing regime as required by the Office of Best Practice Regulation and the statement be submitted to the Parliament.

Mr LAURIE FERGUSON (Werriwa) (18:20): I rise to speak on the Migration Amendment (Temporary Sponsored Visas) Bill 2013. Last Friday I attended the Campbelltown business awards, and the
main winner there made the point that she had proudly decided to live in the Macarthur region, rather than the 'shire', and tried to try to utilise local suppliers for her business and support local charities. Ironically, that very same night, the shadow minister for immigration and my opponent made the long arduous trek from the Sutherland Shire out to Campbelltown. We had a very good indication of the strategy of the opposition in relation to that matter from an address he gave that night at the, appropriately called, Wizard of Oz. He made the point that a particular ethnic group's population had increased by 17 per cent due to utilisation of 457 visas. He tried to encourage envy and ethnic division by these comments. He told them that, if the government cracks down on abuses of 457s, their particular ethnic group would be victimised. I do not think the Australian people really care whether migration numbers to this country of a particular religious or ethnic group—Hindu or Muslim, or Indian, Bangladeshi or Pakistani—are reduced just because the government of this country sees a need to do something about the 457 shams. It is ironic also that this particular shadow minister tries to increase this division and resentment amongst an ethnic community when, weeks ago, he tried on the basis of one rape case to tell the Australian people to be wary of every person that enters this country as a refugee claimant and suggested that addresses should be registered and police notified.

Mr Keenan: Mr Deputy Speaker, on a point of order: the member for Werriwa is being unnecessarily inflammatory in what he is saying. It is not factual, and I think that for the order of the House it would be wise for him to withdraw.

The DEPUTY SPEAKER (Mr Murphy): The member for Stirling will resume his seat. I call the member for Werriwa.

Mr LAURIE FERGUSON: I do not know what is not factual, but anyway. There is another slant in the opposition's position, of course—not only the issue that you build up resentment among ethnic groups at the fact that they might have fewer migrants because the government believes in protecting youth apprenticeship and traineeship rights, tries to protect Australian jobs and tries to defend people's conditions against the way in which 457 workers can be victimised and forced to have reduced conditions. We know that the opposition's position on this matter was articulated quite a while ago by the Leader of the Opposition when he said, 'Under a coalition government, 457 visas won't just be a component but a mainstay of our immigration policy.' So there is a clear strand of disinterest in the conditions of Australians in the opposition philosophy in this whole field.

We know that historically there has been the absolute shemozzle with international students. We saw a situation where it was no longer about education; it was about immigration. When the previous government decoupled the need to return to the homeland and come into Australia on the basis of Australian-gained credentials, they made it a policy that essentially people would stay here once they gained Australian credentials, and we know what that led to. We know that—on the basis of a man murdering his wife in Westmead; another person, a close family friend, kidnapping a child in Melbourne; and workers allegedly being murdered in the Riverina by their employer—it led to a very sensationalistic attack upon this government in the media overseas. We know that the current government had to clamp down with regard to international students to make sure that every college around this country was recertified because of the shams that were developing in the training sector, and
everyone was required to be inspected in a year at their place of work. Once again, there is a studied disinterest in how those students—desperate and financially in a very bad situation—would work for anything in this country, undermining Australian conditions.

Finally, again this week, after the Federal Court's decision of May 2012 in the Allseas case—when there was clear lack of government power to protect workers in the offshore resources industry and there was a situation where people were not being protected—the opposition showed that their lowest priority is to protect the interests of Australian workers, to protect Australian training and to make sure that people have fair conditions. So once again they are running around and trying to find the most bizarre ways that they can allege that this is about racial attacks on people and that the Indian community is being persecuted. That is the kind of rhetoric over there.

The other thing they are relying on is whether there are 10,000, 8,000 or 6,000. The reality is—and the Australian people know this very clearly—that 457 visas are being utilised by employers to undermine conditions. Fairfax Media on 6 June, with very little work, came up with 200 examples of 457 and 187 regional visas being manipulated. That included 29 Filipino workers who had to repay loans at 45 per cent interest rates to recruitment and migration agencies; 80 Indian workers duped into paying $4,000 for a Melbourne cleaning course worth $1,300, which they believed would get them jobs and a working visa; and another 100 Indian workers who paid up to $40,000 for promised regional visas and jobs that never materialised. They are trying to say over there that this is not a problem. I say it is.

For my own part, in the last few weeks I have had to write to the minister about a bank in Sydney where people have had contrived job descriptions aimed to make sure that they could come into jobs where they had no qualifications whatsoever. The description of the job was meant to make sure that relatives within this bank could come into Australia and do totally different jobs. A member from Western Australia earlier today referred to an inquiry some years ago in regard to Australian skills. He talked broadly about my involvement in that inquiry. He forgot to mention the extensive evidence we had about exploitation of Filipino workers in the abattoirs et cetera in Queensland.

I want to cite today a lawyer who has persistently been writing to this government—to this minister and the current minister—about what he sees as a very experienced immigration practitioner, in the field and on the streets, with regard to what is happening in this country every day of the week with the abuses of 457 temporary entry visas for foreign workers. His latest bit of correspondence today says: 'The various schemes which I referred to in my previous communications remain, and I can say without exaggeration that daily new clients attend to my office who are either victims of scams or who ask if I am prepared to assist them with a sham 457 visa transaction. Almost uniformly, amounts ranging from $40,000 to $50,000 are quoted as fees being charged by unscrupulous employers and agents to facilitate these visa transactions, with higher fees charged by Chinese entrepreneurs. One problem that I as a lawyer have is, of course, that information is given to me under legal professional privilege and this prevents me from passing information given confidentially unless the client has formally authorised it. Usually persons involved in these transactions are
intimidated for a variety of reasons and are therefore reluctant to pass on the information to the authorities.' He had written previously: 'As a practitioner, I report that on an almost daily basis I interview potential applicants for 457 or RSMS visas, many of whom indicate that they have been introduced by an agent or through a friend to a potential employer sponsor who indicates a preparedness to act as a sponsor provided a substantial sum of money is paid as an "inducement". The practice appears to have grown exponentially as people realise that other options for residents have diminished. Sums of money ranging from $20,000 to $50,000 are regularly mentioned.' Those figures, of course, went up recently with regard to what is reported in the last correspondence today.

Another correspondent said, 'I now summarise some of the ongoing abuse schemes which I witness almost daily: persons setting up through intermediaries businesses which then act as employer sponsors—many of these businesses have spurious backgrounds but have been cleverly structured to appear quite legitimate; persons legitimately brought down on 457 visas to work for unscrupulous employers, who fail to meet their obligations under Fair Work Australian legislation. I am aware of the increased operations of the Fair Work Ombudsman but nevertheless in the absence of mandatory monitoring scams frequently go undetected.

Further to point 2, it appears, regrettably, to be common for employees to self-fund their 457 sponsorships, even though this is contrary to the regulatory provisions for the 457 scheme. Again, such payments are usually carefully hidden by unscrupulous employers and agents.'

What we have there is evidence before a committee, an investigation by the Herald and union exposes. We have lawyers who are in the first line of this activity, renowned migration agents in Sydney and lawyers saying it is necessary. We note that the growth of these visas is extensive. Over the last year there was a 20 per cent growth to 100,000. If we look at a different period from June 2010 to May 2013, there was a 56 per cent rise. What do we note? We note the concentration of these visas in very unskilled sectors such as accommodation and food service and retail, places where there is falling employment.

We have a situation where much has been quoted about the work of the Migration Council and their survey. I would particularly stress some aspects of that analysis. Fifteen per cent of employers said that they have no difficulty finding suitable labour locally in Australia and yet they sponsor employees from overseas under the scheme. They say they can get somebody in Macquarie Fields or Liverpool or Glenfield but for reasons that we can only guess at they prefer to import labour for those very same jobs. That is why I had a complaint from a woman last week that, despite Australia's low unemployment rate of 5½ per cent compared to the US 7.8 per cent or the European wide average of 12 per cent, in Liverpool she sees young people idle and alienated, with no work and nothing to do. I wonder why.

When I see new building sector training opportunities in my electorate at Ingleburn TAFE, a new section opened at Macquarie Fields TAFE with regard to the fitness sector—an industry some of us might not be interested in but which has jobs—and Eagle Vale High School bringing in a number of training options for students, I know things are being done by this government to recover the training deficit under the Howard government. The reasons that we are importing so much later labour relate to a
total failure by the previous government to train people as well as in the mining sector.

What are those opposite opposed to? What is so dreadful that this government is undertaking action with regard to the situation with the 457 visas? They are upset that we are increasing the number of inspectors to 300 to go out there for Fair Work Australia to look at what is happening in the real world. They are attacking the fact that the government wants to reinforce conditions in the industry. They are also opposed to labour market testing. It is dreadful apparently that employers perhaps should look around and see if they can find suitable Australians for a job. They are very upset about that proposition.

They are also very upset and emotionally disturbed by the fact that the government is trying to enshrine the required content of existing sponsorship obligations and to create new obligations relating to meeting training requirements, the term of the sponsorship approval, preventing the transfer of people, the charge or recovery of certain costs from sponsored visa holders and restriction of on-hiring arrangements, where people come here with one employer and five minutes later they are down the road with somebody else. They are seemingly concerned that the migration regulations would be extended from 28 to 90 days to allow people to find a second employer where they legitimately lose their job and need another employer.

We have had many speakers refer to what is occurring in Canada. Those opposite say that this is only happening in Australia and that it is due to this dreadful Labor government that is trying to crack down on foreign temporary workers; it is not happening anywhere else, it is just a political attempt by the union movement and it is all directed by the ACTU. When we look around the world, unfortunately, this does not hold true. There have been previous quotes of what is happening in Canada, one of the most conservative governments in the western world. The Harper government, on all practical standards, is among the most reactionary.

If we look at the United Kingdom, there is a bipartisan attitude. When Prime Minister David Cameron announced the need to do something about the undermining of skilled migration by the large numbers coming in and the lack of controls, did Ed Miliband, unlike these people—(Time expired)

Mr FRYDENBERG (Kooyong) (18:36): I rise to speak on the Migration Amendment (Temporary Sponsored Visas) Bill 2013, a bill which will see Fair Work inspectors into every workplace where there are people with 457s and a bill which will see an increase in the regulation that employers will have to comply with if they want to bring people to this country on a 457.

I stand up before you both in sorrow and in anger. I stand before you in sorrow about a once-great Labor Party. I must say that the member for Werriwa and his brother, the member for Batman—both of whom are in the chamber today—and the member for Hotham were proud of the great Labor tradition that had produced great Labor leaders. But to stoop this low, to do the barracking of the union movement, to put handcuffs on employers around this country is a low point for your side of politics.

I rise in anger because Australian businesses big and small do not need another kick in the guts, as this bill contemplates. Why are we here? Why are we debating this bill today? We are debating this bill because the union movement has once again taken control of the Labor Party. The union movement represents only 13 per cent of the private sector workforce around Australia. If
you take into account public sector employees, it rises to 20 per cent. If you go to any Labor federal or state conference, the votes on the floor are 50 per cent. If you go to the Labor caucus, it is 100 per cent. If you go to the Minister for Employment and Workplace Relations, he is the former secretary of the Australian Workers Union who Kathy Jackson, the former head of the HSU, has described as being 'Dracula in charge of the blood bank'. What we have before this House tonight is just another bill in a litany of legislation which we have been asked to comment about and which is all about increasing the patronage and power of the Australian union movement.

Unions have an important role to play in society—I would be the first to say that—but when they have too much control and raise false arguments about the 457 debate, for example, they are doing more harm than good to the Australian economy. In this place just the other day we debated a bill about foreign workers on offshore resource activities like offshore oil rigs that they wanted to make subject again to the Migration Act and to receive visas. We have been debating in this place greater right-of-entry provisions which will ensure that no employee in Australia can eat their lunch in peace and quiet. No longer can they have a coke and a fish and chips or burger in peace and quiet. We have seen greenfields sites being subject to increased power from the union movement. We have seen the abolition of the Australian Building and Construction Commission. The Building and Construction Commission was a cop on the beat designed to stop lawlessness in the construction and building sector, and helped produce billions of dollars of increased productivity gains for the Australian economy. It came out of the Cole royal commission, which the Leader of the Opposition, Tony Abbott, was instrumental in setting up. But all those elements of the workplace environment have been subject to a grab for power and patronage by the Australian union movement. Tonight's 457 bill is just the latest instalment in that.

Let me tell you about 457s. 457s are a very important element in the Australian economy. There are more than 108,000 people as of April this year who are here on a 457. That is less than one per cent of Australian workers. Those people are filling voids in the workforce in areas like information technology, health, resources, doctors and nurses and engineers. These are people who are not seeking welfare from the Australian taxpayer. These are people who are not having the Australian taxpayer pay for their health or for their education. These are people who are coming to Australia to bring their skills to fill a void in the workforce. They come here for up to four years and are allowed to go to and from Australia as they see fit. They are able to bring their families here.

These 457s are in heavy use in Australia because there have been gaps in our labour force. It is as simple as that. In fact, 70 per cent of people who are in Australia on a 457 are in a professional or managerial role. They are not all in the labourer type of role. They are so important to the Australian economy that the Prime Minister's own Scottish Svengali, John McTernan, is here in Australia on a 457.

Mr Craig Kelly: No.

Mr Frydenberg: The member for Hughes says no. I can tell you, Member for Hughes, it is right. He is here on a 457, and that is laughable. What is more, half of the members of the Transport Workers Union are here on a 457. They are here on 457s working in the press office of the TWU's Tony Sheldon. The hypocrisy, the irony, the silliness of this debate is astounding.
The Labor Party will be damned by their own words when it comes to 457s. I want to share with the member for Hotham and the member for Werriwa some key words. This is what the Prime Minister has said about 457s:

… we will need skilled migration. I believe we've got the visa settings right particularly with short term 457 visas.

How about that? Chris Bowen, who was then the Minister for Immigration and Citizenship, said:

… migration is shaped by Australia's economic needs, and the Temporary Business 457 visa is a key pillar in this approach.

So you have the Prime Minister and the Minister for Immigration and Citizenship; and, what is more, the Prime Minister had the gall to say on the 457s:

We inherited from the previous government a 457 temporary foreign worker visa program that was totally out of control …

If it was so totally out of control, why has the government seen more than a 20 per cent increase in 457s over the last year? That is the obvious question. If there were so many problems with the 457 system, why has the Prime Minister and the minister for immigration gone on the record glorifying the 457 system, failing to do anything about the rorts that they said existed and actually overseeing a massive increase in the number of people coming to Australia on a 457? That is the alarming irony in this debate. This government sat on its hands while the 457s were increasing in number. Now, because the union movement have asked them to, they are making a political point. The new minister for immigration has said that there have been 10,000 abuses of 457s.

Mr Tudge interjecting—

Mr FRYDENBERG: He got that out of thin air? Because he produced no evidence to substantiate his claim. In fact he was contradicted by his own immigration officers. Dr Wendy Southern, a senior official at the Department of Immigration and Citizenship, said the following when asked at a Senate inquiry about the number of 10,000:

We certainly did not provide advice around a number of 10,000.

Then the First Assistant Secretary of the Migration and Visa Policy Division of DIAC, the Department of Immigration and Citizenship, said:

I am not in a position to provide advice in terms of what guided the minister to talk about that number.

Then Stephen Bolton, Senior Adviser, Employment, Education and Training, at the Australian Chamber of Commerce, said:

Never, to my knowledge, has a figure so high being raised.'

This is the problem here: the government has concocted an argument for political purposes and to increase the patronage of the unions. Innes Willox, who is the head of the Australian Industry Group, says:

The claims of out-of-control 457 numbers are little more than union-inspired scare-mongering.

There is no other reason why the Labor Party is prepared to face this series of contradictions by their own senior officials, by industry groups and by the Prime Minister's and the minister's own words unless, of course, this is about payback to the unions at a time when the Prime Minister is at her weakest political point. The only thing standing between the Prime Minister and Kevin Rudd is the union leadership, and this is one of the demands of the union leadership.

We do not want employers right around this country to be faced with the extra paperwork that will flow from the provisions

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of this bill. One of the provisions requires that employers do 'labour market testing' before they go and hire someone on a 457. Labour market testing was already in for the years after 1996, it was deemed to be ineffective and so the caravan moved on. But the Labor Party is now saying to employers, 'You can't get someone here on a 457 unless you've got support from Commonwealth or state authorities, unless you have shown you have done all this work to try to find somebody who does not need to come here on a 457 and unless you have information showing that you have made a real effort in this regard.' This will only increase the costs to the employers who are looking for people to come on 457s.

The second element of this bill which we dislike intensely is that you are going to send Fair Work inspectors into every workplace to police these 457s. This element of intrusion will be an extra burden to business when we have seen that you cannot substantiate your false claims about 10,000 abuses. The fact is that you are spending more of taxpayers' money to create more Fair Work inspectors—

The SPEAKER: For the member for Kooyong: I am not, so the use of the word 'you' is inappropriate.

Mr FRYDENBERG: The Labor Party is spending more of taxpayers' money to pay for more of these Fair Work inspectors to intrude into these employers' venues in order to hit them with a civil penalty. Well, that is just not good enough. And, Madam Speaker, you would think if the government were going to introduce such controversial and detrimental legislative provisions into this place that it would have the courtesy to conduct a regulatory impact statement, but it has not. You have waived a regulatory impact statement from being conducted here, you have not allowed proper scrutiny by the relevant committees and, once again, you are bulldozing this parliament into approving your union friendly legislation.

I finish where I started, which is that we cannot support this legislation when it increases the burden on employers, when it will have detrimental impacts on our economy, when the level of compliance is coming at a time when business owners and employers just do not need more compliance and when it is a payback to the masters of the Labor Party in the union movement.

(Time expired)

Mr TUDGE (Aston) (18:51): I would also like to speak strongly against the Migration Amendment (Temporary Sponsored Visas) Bill 2013 that is in front of us this evening. This is a disgraceful bill that true Labor members on the other side of this chamber—the true ones, the good ones, and even the Simon Creans who are over there listening to this debate—should be ashamed of. I do not believe that if Simon Crean were leader of the Labor Party, or if he was the immigration minister at this time, he would put through a bill such as this one. This is all about protecting union mates and flies in the face of everything that we have done in this country for the last few decades on a bipartisan basis to try to attract skilled migrants. I do not believe a Simon Crean would do this and I think that, deep down, he is embarrassed about this bill in front of us.

I would commend the fine words of the member for Kooyong in the speech immediately before me. He outlined the case incredibly well as to why this bill is the wrong bill to be introducing into this parliament. He outlined the two reasons it is being introduced. Firstly, it is to be a distraction from the disgraceful, chaotic and wasteful border protection regime that they have in place, which is seeing thousands of boats coming to this place on a regular basis
now. They want a distraction from this and this bill is designed to provide that.

The second reason they introduced this bill is because the unions have demanded it. They have demanded it of this Prime Minister and of this new immigration minister, and therefore the Prime Minister and the immigration minister are rushing it into this parliament. When the unions demand something of this government, it cannot be done quickly enough for them. It is funny, because with the border protection regime we had, the Houston inquiry made a series of recommendations—one of which was to excise the mainland—and that recommendation was made many, many months ago.

What did the minister do in relation to that recommendation? He just sat on it. He did not rush to go ahead with it to deal with the matter at hand as recommended by their own expert panel. He sat on it for absolutely months. But what do they do when the unions demand that we crack down on 457 visas? Straightaway we had better get on with the job and fix it up because the unions have demanded that we crack down on 457 visas. If the unions demand that this Labor government does something, they will immediately rush into this parliament and legislate to fix up those things which the unions say need fixing. Imagine if the unions said that we need to stop the boats. Perhaps they would introduce some serious measures to stop the boats. Imagine if the unions said that we need to get control of the borders. Imagine if the unions said, yes, we actually need to bring the surplus into the budget—

The SPEAKER: And I am imagining some relevance to the bill before the House as well!

Mr TUDGE: perhaps we would actually have a balanced budget for the first time, Madam Speaker. Perhaps for the first time in 23 years under a Labor government we would have a balanced budget if the unions demanded it. That is why we are dealing with this bill now.

The reasons that they put forward for introducing this bill are, frankly, farcical. They have given two reasons why we need to be cracking down on 457 visas. The first is that the system has been rorted. There are 108,000 people on 457 visas, and the minister said about a month ago that this is being seriously rorted by employers to the extent that almost 10 per cent of those visas have been falsely given—they have been rorted by employers. He gave the figure of 10,000 people who should not be in this country because they have falsely been given a 457 visa—10,000 people.

But as the member for Kooyong said, where did this number come from? Apparently it is a very good figure according to the member for Werriwa—or was it the member for Holt who pointed this out?—he just dreamt this figure up. There is no evidence that there have been 10,000 rorts, none whatsoever. He dreamt this figure up. It was disgraceful to reduce the legitimacy of the 457 visa system, a system that has worked incredibly well to date, even according to the Prime Minister's own words. Even according to the Prime Minister's own words, the system has been working incredibly well. But he dreams of this figure of 10,000 rorts one day and then cannot substantiate it. But it is on the basis of this figure that we are actually introducing this bill today to add all sorts of red tape and all sorts of obligations upon employers to exercise their right to issue 457 visas for a highly skilled worker to come into this country.

The other reason they gave for needing to introduce this bill to crack down upon 457
visas is because they said, 'Well, look at the excessive growth of the 457 visa regime.' Okay, let us have a look at it. Let us have a look at the evidence. The evidence is that there has only been 1.7 per cent growth this year in 457 visas issued. Do you know how many visas that translates to? It is 940. Do you know how many people come in on a boat each day—about 100 or 150, 200? This would be less than a week's worth of boat people, but that is the growth that we have had in the 457 visa category this year and that is the figure which they are saying is so outrageous that we need to be introducing this bill this evening as an emergency measure to be passed before this parliament rises because, apparently, there has been a 1.7 per cent growth. It is a disgrace, and some of the sensible members sitting over there—Mr Fitzgibbon and, as I said, the member for Holt—are ashamed of this bill that has been put before us.

Only 940 visas have been introduced above and beyond last year's measures, and last year of course was when the Prime Minister herself famously said that she believed they had 'these settings right, particularly with short-term 457 visas'. That was last year. That was 12 months ago that the Prime Minister herself, Julia Gillard said—and I notice that the Labor members have gone quiet when I quote Julia Gillard from 12 months ago—'I believe we have got the visa settings right, particularly with short-term 457 visas.' So we have had a 1.7 per cent growth since that time and that apparently has caused a catastrophe. Those additional 940 people we have had through the 457 visa process, those skilled workers working in our hospitals, in government departments and sometimes in the unions, and indeed in the Prime Minister's office, are apparently causing this catastrophe so that we have to rush this bill through and strangle the 457 visa process.

The other issue of course is that there has been no consultation in relation to this bill. In some respects we should not be surprised because they are almost not consulting at all on any measure that they are introducing into this parliament at the moment. But this measure however has such a significant impact—

Debate interrupted.

ADJOURNMENT

The SPEAKER: It being 7 pm, I propose the question:

That the House do now adjourn.

Hasluck Electorate: Hasluck Heroes Awards

Mr WYATT (Hasluck) (19:00): Last Friday night I held the third annual 'Hasluck heroes' community awards. It was a fantastic night of community celebration and a wonderful opportunity to acknowledge 36 local achievers from my electorate. In my role, I have the great privilege of witnessing firsthand some of the fantastic work of volunteers. Unfortunately, all too often these dedicated individuals go unrecognised and unacknowledged for the way that they build up our community and make it an even better place to live.

Our community would not be the same without our countless local volunteers and the fantastic contribution they make. With this in mind, I created the 'Hasluck heroes' awards to recognise people in our community who are making outstanding achievements. It want to take this opportunity to share a few of the stories of some of those outstanding achievers from my community.

Winner of this year's 'Hasluck heroes' environmental achievement award was Unice Robinson, who has a strong passion for the environment that is admired and respected by everyone around her. Unice
founded the Friends of Mary Carroll Lake, an environmental group that seeks to preserve Mary Carroll Park in Gosnells. Unice organises regular working bees for the Friends of Mary Carroll Lake to keep the site clear from rubbish and weeds, making the area a safe, family-friendly recreational place for my community. Unice is also teaching local students at Gosnells Primary School the value of the local natural bushland area. They are now able to identify some of the local plants and have developed a respect for protecting native bushland.

Kenwick Primary School student, Emilio Davey, and the local environmentalist, Eleanor Stratton, are two of the other environmental achievers who I recognised on Friday evening.

Another local achiever is Elsie Brown who was awarded this year's 'Hasluck heroes' senior achievement award. Elsie has been a resident and volunteer at Amaroo Village aged-care services for the last 18 years. I do not think that she has slowed down at all during that time. Elsie illustrates the very best of volunteering, putting the interests of others ahead of her own. Elsie cooks, cleans, shops and provides transport for fellow residents. Elsie's friendly nature and bubbly personality lift the spirit of those she visits. In a society where more and more senior Australians feel isolated and lonely, Elsie's work is of critical importance.

Elsie is not the only senior from my electorate who is doing wonderful things in our community. I would like to mention John Boldock, Gael Connell, Shirley Fitzhum, Cindy Garlett and Geoff Wiltshire.

I am always impressed with the calibre of sports people that my community produces, and it is also an honour to recognise some of these at the 'Hasluck heroes' awards. This year's 'Hasluck heroes' sports achievement award winner, Caitlin Parker, has represented WA three times at the national titles in boxing, where she has won all three gold medals. Caitlin was not alone in her outstanding achievement, and it was also an honour to recognise Jess Anstiss, Melanie Birch, Jesse Halkett, Trent Harris, Ellie La Mante and Courtney Muggridge for their sports achievements.

The number of young people in my community who are volunteering is also impressive. This year's 'Hasluck heroes' youth achievement award went to 15-year-old Kaede Fleet, who has already made a significant contribution to our local community with her volunteer work with the Gosnells Youth Advisory Council and at her local school, Thornlie Senior High School. This year she has helped to organise Gozzy Rock 2013 and leadership programs for local youth, as well as Anzac Day services and numerous fundraising efforts at her school. She is also passionate about raising awareness about the nature of bullying, and has filmed, edited and promoted an antibullying video to raise community awareness about this important issue.

In addition to Kaede it was an honour to recognise the hard work of Briony Downes, Amy Rickard and Halei Greaves, who did an outstanding job fundraising for the cystic fibrosis 65 Roses Challenge this year. Additionally, Kiara Hicks and Paige Dittmer have both been volunteering with organisations in our community.

My community is home to some great community organisations, and on Friday night I was able to recognise several of these. This year's 'Hasluck heroes' community group award winner is the Arvosi Group, which is a group of volunteers who entertain at seniors' clubs, nursing homes and community functions. The Arvosi Group brightens the days of local seniors as they perform, and I have heard many positive
reports about their work. I would also like to mention MIDLAS, the Gosnells District Neighbourhood Watch Association, the Gosnells PCYC, the Kalamunda Community Learning Centre and the Lesmurdie & Districts Community Association, who were all finalists.

Finally, I would like to acknowledge Fred Smith, who is the president of the RSL, for the volunteer achievement award. He has been volunteering for many years for the RSL and the Kalamunda SES. Thank you.

**Werriwa Electorate: Polynesian Community**

Mr LAURIE FERGUSON (Werriwa) (19:05): A significant facet of the Werriwa electorate is the presence of a strong Polynesian community, most particularly the Samoans who, in the last census, numbered around 3,300, and the Maoris, who numbered approximately 1,400. That is not to belittle the presence of Tongans, indigenous Fijians, Cook Islanders and also most particularly, a very strong Fijian Indian presence.

Tonight I want to talk about a number of aspects of their actions in my electorate. On 8 August, the NSW Council for Pacific Communities will conduct, as it does every year, a gala event at the Campbelltown Catholic Club's Cube auditorium. I want to commend Tia Roko the state chairperson, and Mel Fruean the local chairperson. Those awards cover education, performing arts, visual arts, volunteers, service, community and sport. The attendance is usually around the 500 mark.

Recently, we had Samoan independence events. The first event was a ball at Bankstown, where two organisations, the Samoan Council Sydney and La'au Samoa Council, joined together. I want to commend Sonny Wilson and Herman Alaalatoa Emani for their work with regard to that. That was a significant commemoration of the struggle for independence by Samoa, which a lot of people are unaware of. It involved the 1929 shooting down of 12 Samoans by New Zealand forces, including Tupua Tamasese, whose dying words were that the struggle for independence should be by peaceful means.

That ball was followed by a combined church service at Minto the following week. Quite frankly, the level of religiosity amongst Samoans is quite high by any international standards. On the following day, there was a very large festival at Liverpool's Whitlam Leisure Centre. That festival involved a sevens competition, netball—which is a very strong sport with Samoans—music, games et cetera. I was particularly impressed, too, with the presence of a women's domestic violence organisation raising that issue, which is obviously an issue often put on the backburner in regard to its community profile.

Additionally, I recently visited the Minto Heights site of the Tongan Community Garden. There, president Joseph Matahau, vice president Sioi Mataele, Bishop Sosaia Matiaki and president Braden Murrin, from the Mormon Church, were in attendance. This is a significant garden—yams, taro, bananas, sweet potato et cetera—and a quite sizeable area, part of which is also used by the Maori community. This is a tremendous facility—people are getting close to nature again and being involved in a very important cultural practice. I also particularly congratulate them on the umu barbecue.

I recently also met with the Maori performing arts council with my colleague, the member for Fowler. Next year they will run a competition between 13 to 15 Australian Maori groups for the right to perform in the New Zealand national performance championships. It should attract about 5,000 people to Homebush. I want to
congratulate Lucy Martin; Pearl Pickering; the president, Wayne Prentice; and Greg Makutu, who is an employee of the New Zealand Consulate-General in Sydney and who recently received the Queens Service Medal for his work with the services.

A local group, Te Kete Kahurangi, should also be an attendee at this competition. It involves seven particular performances over a 25-minute period. To give you an example of the dedication of these people, 40-person groups practice for 10 hours each Saturday and Sunday for four months in the lead-up to these championships. If they win in Australia they then compete in New Zealand, and they will represent New Zealand at various ceremonial events in New Zealand and around the world.

I want to congratulate my Pacific communities on all these activities. They have a strong presence in all aspects of our local society and in leadership positions. I want to take this opportunity to reiterate a social problem of this country, in regards to islanders: we have a view that most Samoans and Tongans have quite passable English. That is not always the case. Unfortunately, we also have a failure in intensive English classes. This is a problem in southern Queensland particularly—a large number of islanders come to this country with very poor English and go from our school system into antisocial activities. (Time expired)

Dairy Industry

Mr BRUCE SCOTT (Maranoa—Deputy Speaker) (19:10): I rise in this adjournment debate tonight to talk about the plight of the Australian dairy industry. As Australians around the country in cafes and homes use milk every day, as they pour it over their morning cereal or go to a cafe to sip their latte, I want them to think about the plight of the Australian dairy farmer who has milked those cows—the dairy farmer who rose at 4 am to provide that wholesome product, a vital source of calcium for all of us, including our children. I want them to think about that because it is not sustainable with the pressures that so many dairy farmers are under today.

I have here a $1 coin—a gold coin. We are often required to donate a gold coin when we attend a function on occasions. One dollar: for many it is just loose change in their wallet. In fact, I found this in my fob pocket tonight. But the supermarket duopoly, of Coles with its 'down, down, down' policy and Woolworths following them, has brought dairy farmers to their knees. A dollar for a litre of milk—that much! Petrol is dearer than that per litre. When you fill your motor car it is dearer than that for one litre. Yet the Coles and Woolworths duopoly, with its 'down, down, down' prices, is putting milk on the supermarket shelves as a loss leader, in many cases, to attract customers into their shops.

Let me set the scene. I would like to take you on a journey, the journey of one person in my electorate of Maranoa who is trying to make a difference. He is travelling to one dairy-farming family at a time. Neville Radecker, a Salvation Army chaplain based in Kingaroy, serves the region from the New South Wales border to just south of Bundaberg in Queensland. He has recently provided me with this submission. It is not an official submission from the Salvation Army, but it is his report on the people—the dairy farmers—he visits. He has ministered to many rural people full time since 2002. He travels extensively, providing a listening ear and unbiased, spiritual, emotional and practical support for rural people wherever possible, regardless of their beliefs, their location or their situation in life. He has become a trusted confidant as he prompts people, in this case the dairy farmers, to offload and discuss their issues.
So often it is those dairy farmers—the men—who bottle up their real problems. He has been able to get them to talk about their problems, which is so important. He has been able to travel, focusing particularly on the aspects of the dairy industry, since 2012. It is an industry devastated by floods, droughts, deregulation, supermarket price wars, restrictions in the banking sector, slashing of farm gate prices, the high Australian dollar and the global financial crisis. I want to quote from his letter to me:

At that time—

I became more aware of the depth of the crisis that many of these families are experiencing. In the more extreme cases, I found some families are living on a diet that is based really on the meat and the milk from their cattle, as they attempt to pay the bulk of the interest payments and production costs—while attempting to maintain aging equipment and infrastructure.

He has encountered a number of dairy-farming families who have not been able to buy stores and have not been into a supermarket since 2011. They rely on some assistance of food parcels.

I recently received correspondence from the Queensland Dairyfarmers’ Organisation, Central District, Wide Bay & Burnett District Council Chairman, Bevin Black. They are the premium suppliers' group of Parmalat Australia. A survey of 100 suppliers revealed that 30 farmers were unable to pay their monthly bills from their milk cheques. The government has offered low-interest loans to these people, but that is the last thing these people need. This is the very real picture of the plight of many dairy farming families in my electorate and many parts of Australia. I ask the marketing people in Coles who put this $1 a litre 'down, down, down' price on their supermarket shelves to go to a dairy farm at 4 am and see how hard it is for these producers to provide this vital source of food—(Time expired)

Petition: Imports

Page Electorate: The Bridge

Ms SAFFIN (Page) (19:15): I have two things I want to raise tonight. One is a petition that has been before the Petitions Committee, which has given me a letter saying that it is in order. The principal petitioner was Mark Zirnsak from the Uniting Church Centre on Little Collins Street in Melbourne. This issue impacts on us right across Australia and in the region.

The petition read as follows—

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

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

Research by the US Department of Labor and UN bodies has identified goods being imported into Australia where slavery and human trafficking have been involved in their production. These goods include cocoa, seafood, clothing, bricks and rugs from some countries.

While it is an offence for any Australian company to engage in any financial transaction involving a slave, regardless of where it occurs in the world, no effort is currently made to identify Australian companies importing goods that involve the use of slavery in their production.

As citizens of Australia we should be able to purchase goods without having to do our own extensive research to determine if the goods are free of slavery and human trafficking.

Your petitioners therefore ask the House to:

1. Introduce legislation that requires:

   (a) Government to undertake research to identify goods imported into Australia where there is a risk slavery or human trafficking have been involved in their production.

   (b) Industries, where this risk exists, to take all reasonable steps to minimise the possibility of slavery or human trafficking being involved in the production of goods they import.
2. Amend the Financial Management and Accountability Act 1997 and the Commonwealth Procurement Guidelines to require suppliers to provide guarantees that their supply chains are free of slavery and human trafficking.

from 7,119 citizens

Petition received.

Ms SAFFIN: I was happy to present the petition, but I equally wanted to make sure that this was recorded in Hansard. This is such an important issue.

I now turn to a more local issue. Last Friday night I attended a musical event at the local Lismore bowling club. It was performed by the Bridge. I want to tell honourable members about the Bridge. The Bridge is a project to build on an ongoing collaboration between musicians and multimedia artists of varying abilities. Mike Smith, Doug Snug, Michael White, Jackson Reid, Mark Dein and Zeb Schulz are the Bridge. Playing a range of acoustic and electronic instruments and using sound, image and text the Bridge create an ever-changing sound and light show of non-song based experimental, contemporary, popular music.

Why support the Bridge? Three members of the Bridge have a disability, although you do not see it when they perform. The band has been invited to Poland and the Ukraine in September this year to play music and workshop with other musicians who also have disabilities. They have been invited to stay as artists-in-residence at Ukraine's Palace of Arts. They have also been invited to Poland on a tour called the MOST project. It is being supported by the Tone Foundation in Krakow and an arts organisation called Unsound, an appropriate name.

Jackson Reid, Mike Smith and Mark Dein of the band are positive role models for the disability community. It is a chance for them to showcase the talents that people with disabilities possess in countries—and I am talking about Poland and the Ukraine—where those with disabilities are often institutionalised. I know that they will be talking about the NDIS and showcasing DisabilityCare Australia and the wonderful development here.

This unique opportunity of overseas skills sharing is supported by the local volunteer arts group Real Art Works. Real Art Works is a not-for-profit organisation dedicated to developing creative arts projects utilising the skills of artists of varying abilities to interact with marginalised groups, either culturally or geographically, to create multi-artform outcomes with a high level of quality that foster creative culture and encourage social awareness. Real Art Works is a registered charity with deductible gift status.

I am quite proud of the Bridge collaboration. It is a wonderful thing that they are doing locally. When I asked how I should describe them they said, 'As an inclusive band.' I think that is the appropriate language. I wish them well in Poland and the Ukraine.

Nambour and District Historical Museum

Mr SOMLYAY (Fairfax) (19:20): I want to take this opportunity to inform the House that in 1992 a determined and enthusiastic group of locals from Nambour and the Sunshine Coast hinterland gathered as a committee to drive the foundation of the Nambour and District Historical Museum. Coincidently and just to provide the context of the town of Nambour, three members of this current parliament went to Nambour State High School—former Prime Minister Kevin Rudd; the Treasurer, Wayne Swan; and the Hon. Justine Elliot, who was a minister in the Rudd government and the member for Richmond. Coincidently, Mrs Elliot's father, Bob Borsellino, was the
Democrat candidate against me in 1990 and was kind enough to give me 2,000 preferences, which got me elected to this parliament.

More than two decades on I recently had the pleasure of attending the 21st anniversary celebration of this community treasure, which sits proudly in the heart of the town. The museum is much more than the walls that protect the historical artefacts, the photos of an era past and the carefully restored collections. This building embraces a story that deserves to be told and retold to generations now and those yet to come. It is a nostalgic salute to a town and its people and traces the district's farming origins through to an era when Nambour was the undisputed commercial hub of the Sunshine Coast.

The times were sweet for Nambour when the landmark sugar mill underpinned the local economy. I can still recall the wafts of black smoke that poured from the giant chimney stack, the sight and sound of the cane trains through the main street and the evening cane fires that uniquely identified Nambour. Less charmingly, I also distinctly remember the mums who complained about the black soot on their washing—particularly the nappies. Despite the discomfort of all that ash, these agricultural and industrial uses were Nambour's economic badge of honour, embraced by the residents and a real attraction for tourists and visitors.

Without the efforts of the Nambour district historical society, the town's past may have been lost just as those cane engines and acres of lush productive cane fields have now disappeared from the landscape. Instead, the spirit of Nambour lives on and is sympathetically preserved through the museum and the work of the society members who have become the custodians of the past. While Nambour is best remembered for its rural heritage, the museum also showcases the town's pedigree as a health and communications hub. I spotted a picture of my wife, Jenny, on the walls. You know you are getting old when you see your wife's image on the wall of a museum!

The SPEAKER: I'm not sure how she's going to feel about this!

Mr SOMLYAY: My wife and I both have a strong interest in history: Jenny has a degree in local histories and for 14 years I was a parliamentary representative on the advisory council of the National Archives. Like so many volunteer based community organisations, the Nambour and district society sustains itself on the passion, dedication and enduring effort of its members. On behalf of the people of Fairfax, I sincerely thank them.

In these fast-paced times, we can be so focused on the present and the immediate future that it is easy to overlook and forget the past. We of a more mature vintage know that we forget our past and ignore our history at our own peril. After enjoying the 21st anniversary celebrations of the museum, I can confidently say it is worth finding the time to take a nostalgic journey into a bygone era. Museums tap into much more than history; they showcase a culture, character and kinship. Local museums may house and protect the relics of our past, but there is nothing old-fashioned about these great community icons and I encourage members to visit soon.

Ms BRODTMANN (Canberra) (19:24):

Today I had the pleasure of meeting with two remarkable young Canberrans here at Parliament House. The first was Huy Nguyen, who was here to graduate from the Leaders for Tomorrow program. The
Leaders for Tomorrow program is an individual leadership development program that has been funded by this government to develop the leadership capacity of people with a disability. The program targets people who aspire to be leaders or to further develop their current leadership capacity, and at the end of the funding period it is expected that there will be 200 people with a disability who are more skilled, more confident and more active in leadership roles in business, community and government.

Participants have up to 12 months access to training, coaching, mentoring and other leadership development opportunities based on their individual needs. It is obvious why Huy was selected to participate in this program: he is an outgoing, energetic, highly intelligent and dedicated young man who devotes a great deal of his time to others. This year Huy initiated a Centenary of Canberra project called EnableCanberra. EnableCanberra is designed to make Canberra's many centenary celebrations accessible to as many people as possible, including people with a disability, people with mobility issues and parents with young children. The project includes a website detailing accessibility information for different centenary venues around Canberra, and is also involved in working directly with venues to improve staff skills in catering to people with access needs. EnableCanberra believes that accessibility can be beautiful and it does not have to be clinical or sterile.

This wonderful project, EnableCanberra, is just one of Huy's many accomplishments. He is also actively involved in wheelchair rugby and basketball and has developed a wheelchair basketball program for the Solomon Islands in partnership with NGOs. This year Huy has also completed a Young Social Pioneers program and has established a social enterprise called Enable Development, which brings together passionate professionals with life experience to address the challenges of disability in our global community. As you can hear, Speaker, Huy is an exceptional Canberran and I congratulate him on his graduation from the Leaders for Tomorrow program. But I do not believe Huy is just a leader of tomorrow; I believe he is a leader of today.

Members will also be aware that this week we are celebrating Refugee Week, and while at a Refugee Week afternoon tea here at Parliament House today I caught up with another incredible young Canberran— Francis Owusu. Francis is the ACT’s Young Australian of the Year for 2013 and it has been a pleasure and absolute delight getting to know him over the past year. Francis started an organisation called Kulture Break, its name reflecting Francis's passion to transform a culture of negativity into a culture of pride and achievement through dance. Over the past decade, Francis and Kulture Break have performed with thousands of children in schools, in community centres and in jails throughout Canberra, inspiring and motivating them.

I am absolutely delighted that Francis has agreed to join my judging panel for the Creative Young Stars program. Creative Young Stars is a wonderful initiative by this government to encourage, support and celebrate creative, cultural, academic and community achievement by young people. I know there is an incredible amount of creative talent in my electorate of Canberra. I see it every time I go out to one of my schools. This program will be very, very well received. I have already had fantastic messages from principals throughout the electorate congratulating the government on this program and saying how they are very much looking forward to participating in it.

I am pleased to announce tonight that Francis will join Robyn Archer, the current
CEO of the Centenary of Canberra; Harriet Elvin, who is the CEO of the Cultural Facilities Corporation, and I had the honour of serving on the Cultural Facilities Corporation board many years ago and getting to know Harriet—she is a significant contributor to all things cultural here in Canberra, including historic homes, theatre, social history et cetera as the CFC covers a range of areas; Donna Sullivan from Calwell High School, which has a great performing arts centre and also a school for performing arts; Ren Pryor, who manages the M16 Artspace in Griffith, which is a great space for aspiring young artists; and Lynne Kowalik from Arawang Primary School, which is one of the most exceptional music schools in my electorate. I am very honoured to have this wonderful group of talented people on my judging panel for the Creative Young Stars grants in Canberra. I look forward to meeting many more creative young people through this program, and I look forward to spending time with these wonderful judges in assessing our creative talents.

Petition: Manufacturing

Mr TEHAN (Wannon) (19:29): I rise tonight to table a petition as a document. This petition has 2,000 signatures on it, from people in Portland and the area around Portland. That is a significant number of signatures—2,000—given the population of Portland is around the 9,000 mark, so we have almost one-fifth of the citizens in the broader Portland area who have put their signatures to this important petition. What they are calling for is some action on the decline in manufacturing. Portland is home to some wonderful productive enterprises. Alcoa has Portland Aluminium and the smelter there contributes, along with Point Henry, as either Victoria’s first or second biggest exporter as that often depends on where the dollar is at. It is one of Victoria’s top two exporters, so that being both Alcoa Point Henry and Portland Aluminium. It is also home to Keppel Prince, a manufacturer of things and it also helps to service Portland Aluminium. Also it is producing not the turbines but—and I am having a complete mental blank.

Honourable members interjecting—

Mr TEHAN: Not the casings; they produce the towers. It is funny because I was there last Friday with the shadow minister for industry, Sophie Mirabella, and I will take this opportunity to thank her for coming along for that visit. The people are concerned about what is happening to manufacturing not only in Portland but in Australia as a whole, because what we are seeing is our cost base continuing to rise and we are not competitive now with imports. In many cases what we are seeing is imports coming in at below cost and this is doing serious damage to our local manufacturing industries. So these signatories to this petition would like this issue addressed.

As we have seen, the coalition has led the way in this area by proposing changes to the way our anti-dumping regime works and by putting forward a policy very early on in the term of this government. I must say it was pleasing to see that the government actually saw that the coalition had put forward a very good policy proposal in this area and it led the government to say, ‘Okay, we’re prepared to act and do something about this.’ And that is exactly what the government did.

Now what we need to see is further action to make sure that these new anti-dumping processes do in fact do the job that they are set out to do. That is what this petition is calling for. The petition deals with the anti-dumping area and that is an area which both sides of this House have looked to act upon. But I would also say that one of the areas that from a coalition perspective—and this
was very much a non-political petition so it was across the board—also need to be addressed is the need to really look at what is adding to the uncompetitiveness of our manufacturing at the moment, and there is no question that the carbon tax is one of those things which are making us more uncompetitive. One only has to look at dairy processing to see this. We are about to see the carbon tax bill of Murray Goulburn, one of the largest dairy processors in my electorate, go from $14 million per annum currently to nearly $15 million per annum when we see the five per cent increase of the carbon tax kick in come 1 July. So I commend this petition to the House. I thank those 2,000 people who have put their name and signature to it for showing their concern and their passion for Australian manufacturing.

The DEPUTY SPEAKER (Hon. BC Scott): The document will be forwarded to the Petitions Committee for its consideration and it will be accepted subject to confirmation by the committee that it conforms with the standing orders.

Food Colourings and Additives

Ms HALL (Shortland) (19:35): I was recently talking to a very good friend of mine, Lisa McDermott, and she raised the issue of artificial colourings in foods and of the preservative E211, which is sodium benzoate, and the impact that they have on children. One of my children tended to react very badly to additives when they were young and I know that is very common within the community. This issue relates to the use of artificial colours and the E211 preservative and their use in our food and drink and over-the-counter medicines. These additives can be found in so many foods in our supermarkets and corner stores. They are in juices, children's medicines, flavoured milks, sweet treats and other everyday food.

The problem with these additives is that they can have a major impact on some children in terms of their hyperactivity.

Lisa told me about the impact that they have on her son. She told me how his eyes glaze over and change when he accidentally has some of these artificial colourings or additives. They affect behaviour, concentration and attention, and even her son's teacher mentioned that she could notice when he had actually had food that one of these artificial colourings or E211 in it.

A study was done into this issue by Southampton University in the UK. That was done during 2007. The study showed there was a definite link between the use of artificial colourings and E211 and the onset of hyperactivity in some children. The study created significant interest in many countries around the world, including Australia. In the UK and Europe it also led to some major changes in the way food is produced and labelled. In Australia we have not instigated any change. I really believe that we should look at this matter very seriously.

Some people in authority have said that the Southampton University study was not conclusive and therefore no change is warranted. All you need to do is talk to a parent who has a child that reacts to these additives. Parents see their children turned into very, very different people. They become hyperactive, they lose their concentration and in some cases all sense of reason, and they become very difficult to manage. My friend told me how her son actually had a drink at the supermarket and she was unaware that this drink had the additives in it. Once it hit his system his whole personality changed. She had to put off her shopping expedition and return home. She also said that once the food additives were out of his system then he collapses in a
heap and is tired and exhausted and very listless.

Sadly, this ends up affecting the whole family. Everyone has to learn how to handle a child who has these behavioural changes. If the food is not being properly labelled you cannot implement a very strict regime. A number of products marketed that are directed towards children to catch their attention have some of these additives in them: drinks such as Spiderman and Dora—a number of drinks that really capture the imagination of children. I am not suggesting that children should actually have sweet drinks, lollies or fizzy drinks, but they go to parties and they are in environments where they pick up a drink, pick up a lolly. If they cannot enjoy what their friends enjoy they feel different and it is not very good for them.

The more people I talk to about this issue, the more I hear about children reacting to these food colourings and how it impacts on hyperactivity. It is something that we should take very seriously and investigate. There is a range of information out there. We need to look at that information. There are blogs and there are a number of organisations—parents groups—that are working to try to raise awareness of this issue. This is a very important issue and one that needs to be investigated.

Paterson Electorate: Digital Television

Mr BALDWIN (Paterson) (19:40): On 27 November 2012, 204 days ago, digital television switchover occurred in my electorate. I warned the government many, many months before the switch-over that there would be massive issues. In my electorate office I have received over 1,550 complaints from constituents. I have made in excess of 500 representations to the minister or the Digital Switchover Taskforce about digital television reception. The response from this government has been nothing short of appalling.

This is one of the major issues in my electorate. Prior to the switch-over I warned the government that areas of Anna Bay, areas where Elizabeth Beach is, where we had a self-help tower that was not going to be switched over to digital, needed to be done. I pointed out the economic case for the need to put a digital transmitter at Elizabeth Beach as against the cost of subsidised VAST services. Thankfully, the government installed transmitters at Elizabeth Beach and Anna Bay and helped some 5,738 residents who would have been excluded from having television reception.

But the issue I have now is that, according to the census figures and the areas that are affected now, some 27,427 constituents receive little or almost no television reception. Areas like Hawks Nest, Tea Gardens, Pindimar, Bundabah, North Arm Cove, Karuah, Lemon Tree Passage, Tanilba Bay, Mallabula, Medowie, Stroud, East Gresford, Gresford, Bulahdelah, Fingal Bay, Taylors Beach, Soldiers Point, Nerong either have very little to none or very poor service.

Last week, the day after the State of Origin, we were inundated with telephone calls—not to congratulate the Blues on winning the State of Origin but from people who were not able to watch the State of Origin because they had no television signal. I have brought just a handful of the many responses from the minister's office. I say the minister's office because not once in all the representations has the minister seen fit to respond personally. In fact, in requests for meetings with his office to sit down and talk about this massive issue personally, we are just fobbed off to the adviser. Advisers try as hard as they can, but I would have thought that on an issue that affects so many people in an electorate, to have had 1,548
complaints to my office, it would have warranted a personal meeting with the minister for communications.

These letters at best are diatribes, because in 204 days nothing has been done to adjust, fix or address a signal. What we receive from this government is rhetoric and more rhetoric—saying things like, 'Oh well, it's an issue of convergence of signal and atmospheric conditions.' Most of these people had reasonable television signal from analog prior to the digital switch-over, but today they have nothing.

On Tuesday morning again we suffered a massive number of phone calls. The weather conditions must have been poor, because it affected the reception of the TV show *The Voice*. What about all the summer sports that people on holidays want to sit back and watch—like the golf, the tennis, the cricket—at times when the atmospheric conditions are worse and the TV reception is poor?

After one of my representations the minister responded that ACMA would be putting a task force together in the Hunter in the week beginning 18 February 2013 to undertake signal measurements and a simple of viewers and report back to me. That was four months ago, and still we have had no resolution to the issue. It is an important issue. It is an issue that people in my electorate have been suffering now for some 204 days. Unfortunately, I think this government are waiting until they lose the election and hand over the problem to an incoming government—no action because they have no attitude to respond to constituents needs. *(Time expired)*

**Carbon Pricing**

Mr LYONS (Bass) (19:45): The world is changing, and Australia faces many challenges and big opportunities in the years ahead: an ageing population, increased global competition, environmental degradation, keeping the economy strong beyond the mining boom, a future for manufacturing and rapidly developing technologies in the Asian Century. To meet these challenges, Labor is pursuing policies that Australia needs for the future and putting a price on carbon.

Electricity generators, steel manufacturers and other large industrial concerns pay a carbon price. Almost every advanced economy in the world already has a price on carbon or is putting one in place. Anyone who looks at the spread of carbon markets will find countries in Europe—Norway, Iceland, Switzerland—New Zealand, China, South Korea, California and Quebec will know that a carbon price is here to stay as the principal mechanism for the world to avert dangerous climate change. The efficient generation and supply of energy is integral to business and trade and for creating goods, jobs and services. It underpins our high standard of living as well as our world-class health and education systems—the services we depend on for our daily activities.

Figures from the Clean Energy Regulator indicate that, as of March, over one million homes had been equipped with solar panels on their roofs, providing power to around 2.5 million Australians as well as producing savings on electricity bills amounting to approximately half a billion dollars. This is quite remarkable. The Clean Energy Council Chief Executive, David Green, pointed to this stunning increase in residential solar systems that Australia has witnessed in just the past half decade. I note that this has risen from 7,000 systems under former Prime Minister Howard to one million under the Labor government.

Australia’s energy sector has entered a period of unprecedented transformation and
expansion. Over the next two decades, our energy future will be shaped by the ongoing need to provide reliable, affordable energy to our growing economy, as well as capturing export opportunities in the rapidly expanding markets of our region. We must continue the necessary transformation to a clean energy economy, and this is under threat if a coalition government is elected in September.

Political leaders who are afraid to deal with climate change, like those sitting opposite, are risking our children's future for their own political gain. I have sensed within the Liberal Party in that they are running away from, 'I'll stop the boats' and 'the market price on carbon'—remarkable, considering the Leader of the Opposition did say that climate change science is 'highly contentious and the argument is absolute crap'. Indeed, he said that, from 1 July, price rises will be 'unimaginable'; that this would act like a 'wrecking ball' through the entire economy and cause 'wholesale wealth destruction'; that coal, steel, aluminium and motor industries will be destroyed; hundreds of thousands of jobs would be lost; and entire towns, like Whyalla, will be wiped off the map. He is a first-class political opportunist, and Australians deserve better.

The Leader of the Opposition said that the carbon price would be 'the death of the coal industry', and following that statement one in six opposition members bought shares in coal or resource companies—the member for Wentworth, Senator Cash, Senator Fisher, Senator Humphries, the member for Stirling, the member for Brisbane, the member for Flynn, Senator Ronaldson, the member for Fadden, Senator Johnson and the member for Kooyong. My advice is follow the money and find the truth.

Since the carbon price started on 1 July, emissions of the national electricity market are down 7.4 per cent; renewable energy is up almost 30 per cent; the economy is growing—the national accounts show our real GDP has grown at an annualised rate of 2.5 per cent; more than 150,000 new jobs have been created; inflation is contained; and the impact of cost of living is lower than expected.

As a government, we support the vulnerable. If a Liberal government are returned in September and as they have been asking this government to resign for three years, I look forward to their written commitment to resigning if they do not implement their 'fraudband', they do not stop the boats, they do not turn the boats around, they do not remove the price on carbon, they do not remove the increased tax-free threshold, they do not remove the Gonski funding, they do not remove the marine park network, they do not remove the increased superannuation and they do not remove assistance to the automotive industry. We are in a changing world. We know that if you earn less than $80,000 a year, or you are a pensioner, you will be ripped off under this tea-party, Hooverite Liberal Party.

Lisa Ho Stores

Mr CRAIG KELLY (Hughes) (19:49): I am extremely saddened to hear today that the administrators of the business of one of Australia's most successful fashion brands—that of the fashion designer Lisa Ho—were unable to find a buyer and will actually close down all Lisa Ho stores around the country, a move that will see 100 loyal staff lose their jobs.

I have never met Lisa Ho, and I have certainly never worn any of her fashion designs, but I would like to express in this House my sadness that the stores carrying her name will join the long list of iconic Australian fashion brands that have been placed into administration or forced to close
as the economy stalls under this Labor government.

What the big end of town and the union bosses will never understand is that when a small business dies—a business that the owners have nurtured, that they have watched grow and that they have loved with a passion—part of the owner's identity dies as well. I am sure this is a very difficult and emotional time for Lisa Ho, both professionally and personally. I would like to place on the record, in this Australian federal parliament, that Lisa Ho can, and should, hold her head very high. For this is a business that has had incredible success over almost 30 years in the most difficult and competitive of industries.

Starting from a small market stall in Paddington back in the 1980s, the business has developed on the international stage and, with courage, skill and an entrepreneurial drive, has developed a following of celebrity fans wearing Lisa Ho's gowns on numerous red carpets—celebrities including Jennifer Lopez, Elle Macpherson, Sarah Wynter, Delta Goodrem and Olivia Newton-John. The Sydney 2000 Olympics opening ceremony even included a segment celebrating Lisa Ho's place in Australian fashion. The Lisa Ho business has created wealth for our nation. It has created hundreds of jobs. It has earned export dollars, with its products stocked in more than 250 boutiques worldwide. Lisa Ho has been an ambassador for our industry. It is a truism that in life we learn more from our mistakes and our failures than we do from our successes. So I hope that Lisa Ho dusts herself off, uses that same entrepreneurial spirit that saw her start off in a small market stall, goes out, works on a new business model and keeps going.

However, this parliament needs to consider how, over many years, it has let down small business operators, especially in our Australian retail sector—businesses like Lisa Ho's—and how our policies have placed them at a competitive disadvantage and threatened their existence. Under current policies, if I were to go and spend $2,000 to buy a few of Lisa Ho's latest designs—designs which were made in Australia and sold by an Australian retail store—I would pay $200 in GST, but if I bought a competing outfit from an overseas designer, made in a foreign country and sold by a foreign retailer, and had it posted to me then I would pay zero GST. In a competitive market, this 10 per cent disadvantage can be crippling. Just imagine for a minute if we forced our athletes—our sprinters—to give opposing sprinters from foreign nations a 10-metre head start in a race, or if we forced our soccer players and our rugby teams to go out and compete on the international playing field one man short, or if, in the Australian Open golf tournament, we allowed foreign golfers to play off the ladies' tees. If we did this and placed our sportsmen at a competitive disadvantage, there would be national outrage. But that is exactly what we are doing to Australian fashion designers: forcing them to compete with their hands tied behind their backs. I am sure another reason for the difficulties of Lisa Ho's business was the exorbitant rent that retailers are forced to pay in Australia. This parliament has not given Lisa Ho and small business entrepreneurs like her a fair go, and I hope that the review of our competition policy when we come to government gives them more of a level playing field.

Bass Strait Freight Equalisation

Mr WILKIE (Denison) (19:55): I rise to express my disappointment with the Labor Party and the coalition for their refusal to select my motion on Bass Strait freight equalisation for debate and a decision. That we in this place should be interested in and concerned with the affordable and efficient...
transport of people, vehicles and freight between the states of the Commonwealth should be a given. Moving things across Bass Strait in particular should be something that many federal members of parliament and, indeed, all Tasmanian members of parliament should be very pleased to engage in. But clearly it is not, because today we have learned that the Selection Committee, which has sat for months on my motion to fix the deficiencies in the Bass Strait freight equalisation scheme, has decided not to bring on the motion. It seems that the Labor and Liberal parties do not care about the difficulties of Bass Strait and, by implication, do not care about Tasmania.

Some members may think there is no need for any further discussion on Bass Strait freight equalisation because previous parliaments have looked at it. They may be satisfied that the 1976 Tasmanian Freight Equalisation Scheme is sufficient for the needs of those who must cross Bass Strait. But that is simply not the case, because the current scheme is not funded to a level that allows for competitive trading by Tasmanian companies.

The result is that many Tasmanian businesses are doing it really hard right now, and some are going to the wall. Some businesses are even leaving the state. The plight of exporters in particular highlights a particular failing of the current scheme. In essence, goods made in Hobart destined for a foreign market attract no subsidy for the Bass Strait leg even though much of Tasmania's exports must transit through Melbourne. But, as I have said previously, the cost of the short leg across Bass Strait is often half of the total transport cost from southern Tasmania to destinations as distant as North America and North Asia. Clearly, to not be providing any assistance to these businesses is unacceptable, not to mention patently unfair.

In many cases, the statistics are staggering. I have given specific examples in this place before of real businesses and real people in my state struggling with the transport costs: for instance, when two-thirds of the total freight cost for items coming from Brisbane and Perth is being spent on the Bass Strait voyage alone or when three-quarters of the cost to export containers from Hobart to China is just to make the trip from Hobart to Melbourne, or when five to 10 per cent of the price exporters receive per kilogram or per litre goes to the transport cost for the disproportionately small trip just across the strait.

Besides business, there is an entire dimension that the current scheme does not even consider, and that is passenger transport. That is why my motion, which has been left to die on the Notice Paper, sought to bring Bass Strait into the national highway network and apply a subsidy to all freight, all vehicles and all people crossing the strait. From a social perspective this is necessary to reduce the isolation of the Tasmanian community from the rest of the country, but from an economic perspective this would cause untold gains for tourism in Tasmania by bolstering the inbound numbers that would travel around in their vehicles in Tasmania and would boost the flagging businesses outside Hobart and Launceston. The positive flow-on effects of genuine and effective cost equalisation to and from Tasmania are countless, and it is terribly disheartening, in light of all of these benefits, that neither major party wants to engage with the issue. What makes their decision not to entertain my motion even more disappointing is that there are many Tasmanian and Victorian members of this House who could have applied pressure to ensure that this motion was brought before the parliament. I would have expected those members in particular to fight for their
communities and for local industries. With so little time left in this parliament, my motion is condemned to obscurity, and that is a great shame—not just because we did not have the opportunity to debate and to vote on it but also because of what this whole sorry saga tells about the commitment of the Labor and Liberal parties to the difficulties posed by Bass Strait and the welfare of Australia's magnificent southern state more generally.

The DEPUTY SPEAKER (Hon. BC Scott): Order! It being 8 pm, the debate is interrupted.

House adjourned at 20:00

NOTICES

The following notice was given:

Ms King to move:

That in accordance with section 5 of the Parliament Act 1974, the House approves the following proposals for works in the Parliamentary Zone which were presented to the House on 17 June 2013, namely:

(1) pay parking infrastructure, including machines, signage and minor civil engineering works necessary for the introduction of pay parking in the Parliamentary Zone; and

(2) relocation of the Torsional Wave outdoor exhibit to the corner of King George Terrace and Mall Road West adjacent to the Questacon Building.
The DEPUTY SPEAKER (Mr BC Scott) took the chair at 9:30.

CONSTITUENCY STATEMENTS

Petition: Mental Health

Mr DUTTON (Dickson) (09:30): I rise this morning to pay tribute to a local champion of mental health services in her area, Ms Karly Cousins, and to speak more broadly on the very important issue of mental health. I do so with a sense of optimism. It is true that mental illness can have tragic and life-changing consequences. Many of us know of people in our network of family and friends who have been touched in some way by mental illness, but we do know that with the right support and early interventions many people with mental illness will go on to lead a rich and fulfilling life.

Reflecting on my time in this House over the past 12 years, there have been remarkable developments in how we as a nation have tackled the issue, with the rightful ebbing away of stigma and a determined effort to escalate the issue as a policy priority as a result of efforts by all sides of the political divide. Many local campaigners and my colleagues in this place have spoken publicly and courageously of their own experiences. It takes a lot of courage to open up to a stranger about a tragedy in your own family, about your desperate concern for a loved one or indeed about your own struggles, but many individuals around the country have shared these with me and, I am sure, with other members of parliament to try to improve the situation for others.

There is of course, though, still so much more that needs to be done in many communities. I have been inspired on this issue by a number of my own constituents in the electorate of Dickson and that has strengthened my resolve to continue to improve front-line services. The experience and needs of the constituents were pivotal to the $1.5 billion policy I was able to announce prior to the last election in my role as shadow health minister. Today I would like to pay tribute to a local champion further afield. Karly Cousins has been tireless in her efforts for increased mental health services, particularly after-hours services, on the Fleurieu Peninsula in South Australia. I had the great fortune of meeting Karly and her wonderful young family at a forum with the member for Mayo, Mr Jamie Briggs. She had an important story to tell and is determined to make a difference. The community is very fortunate to have someone with her commitment to such a worthy cause. Karly has presented me with a petition of some 5,793 signatures. It is being considered by the Standing Committee on Petitions and is certified as being in accordance with the standing orders.

I am particularly pleased to commend Karly on her extraordinary efforts. She is a young lady who has gone through an enormous amount of personal pain for her family. She has risen above that not only for the benefit of her own situation but for the benefit of the local community. She is a remarkable young person. I am very pleased to table the petition and to commend Karly on her extraordinary efforts.

The petition read as follows—
To the Honourable The Speaker and Members of the House of Representatives

This petition of concerned Fleurieu Peninsula residents and, certain citizens of Australia, draw the attention of the House to the prevalence of suicide and the lack of mental health services on the Fleurieu Peninsula in South Australia.

This petition is a continuation of the Facebook group 'Petition for Mental Health Services on the South Coast', which has received overwhelming support from the local community.

We therefore ask the House to reassess existing mental health services on the Fleurieu Peninsula and increase funding for mental health services and their accessibility on the Fleurieu Peninsula.

from 5,793 citizens

Petition received.


Mrs D'ATH (Petrie—Parliamentary Secretary for Climate Change, Industry and Innovation) (09:32): I rise to speak about the Petrie Future Leaders Essay and Public Speaking Competition. This year marks the fourth year of the competition, which is held annually in my electorate of Petrie. I would like to welcome to the chamber today the two winners, Paivi Adeniyi and Teagan Tedman, along with Paivi's mother, Deborah, and Teagan's mother, Trudy. Teagan is the winner of the primary school category. Teagan is 12 years old and is in grade 7 at Deception Bay North State School. Teagan's essay and speech were about bullying, particularly the impacts of bullying on school students. Teagan spoke from personal experience, and I thank her sincerely for sharing her story with us. She had some great ideas about how to reduce the incidence of bullying in our schools.

Paivi is the winner of the secondary school category. She is 14 years old and is in grade 9 at Grace Lutheran College at Rothwell. Paivi discussed immigration policy in her essay and speech and spoke very passionately about how her family migrated to Australia. Paivi discussed the benefits of a multicultural society balanced against the concerns about the number of people arriving by boats and seeking asylum and about the challenges this brings to policymaking. I am sure all members of the House will join with me in congratulating Paivi and Teagan on their success in winning this year's competition.

The 2013 competition was launched in March this year and culminated in a gala speech night on 21 May. Primary and secondary students wrote an essay on an issue they would like to raise with the Prime Minister, in which they discussed why the issue is important and what they believe can be done about it. The students then attended a gala night where they delivered a speech on their essay. The entrants were judged on both their essay writing skills and their public speaking skills. The prize for the winners was a trip to Canberra with a parent to spend the day behind the scenes in Parliament House, to learn more about our nation's parliament. I would like to acknowledge and congratulate our judges, Mr Gerard Williams, CEO of Fair Work Youth Space; Mr Martin Hall President, President of Redcliffe City Chamber of Commerce; and Ms Sharon Armstrong, Treasurer of the North Lakes Chamber of Commerce and Industry. I would also like to thank the Brisbane Airport Corporation, which has sponsored this competition every year and has given $1,000 towards the flights of the winners and their parents this year. Without their support, we would not be able to offer such a fantastic prize to our winners and parents.
I look forward to showing Teagan and Paivi, and their mums, around Parliament House today and to taking them to meet some of our nation's highest decision makers. They will also have a chance to observe question time in both the Senate and the House of Representatives. I have warned them what to expect. There may be the odd person being thrown out, but I hope we are all on our best behaviour today. I hope both students enjoy the experience on offer today and take away from their visit an enthusiasm to participate in public debate and to ensure that the youth of today have a strong voice, a voice that can make it all the way to Canberra. Teagan, Paivi, Trudy, and Deborah: welcome to Parliament House.

Small Business

Mr BILLSON (Dunkley) (09:35): Thank you, Deputy Speaker Georgina. It was a thrill to be in your state and in your city last week as I was bringing the news of hope, reward, and opportunity for small businesses right across Australia. I must say, they were hungry for some optimism and for some confidence that, if we are able to form government at the next election, there will be a change of strategy and a change in the way in which Canberra respects and values the contribution of small business men and women. I met some small business champions: Carmen Garcia from the seat of Adelaide. What an outstanding individual she is! How well connected is she within her local community! That Adelaide electorate runs through her veins. I met Matt Williams, someone I knew you would be aware of, Deputy Speaker. What an impressive young man he is! He has the ability to make a contribution—to connect with, to articulate for, and to advocate on behalf of the small business men and women in the electorate of Hindmarsh. I also met Tony Pasin, who is down in Barker. He is doing some excellent work there, getting the message out and communicating the importance of agricultural business and the vibrant small business economy in that area of the south-east of South Australia.

What was fascinating, though, was that as we conducted community small business forums and heard firsthand about people's concerns there are many areas where they feel this Labor government has let them down. We heard about how the carbon tax has punished small business and how this government is so disinterested in the plight, the viability and the profitability of small business—all elements crucial in enabling small business men and women to create opportunities, employment prospects and vitality in their economies and their communities. It is crucial stuff. But regarding the carbon tax: this government could not care about its impact on small business. I heard about the impact it has had on so many of those South Australian small businesses. They were concerned, as I am, about how the carbon tax is already causing havoc, already eroding consumer and business confidence, and yet it is set to go up again, by five per cent on 1 July, which will make an already difficult situation even worse. We talked about the impact of the carbon tax being applied to diesel fuel for heavy on-road vehicles in July next year and how that, particularly for those communities relying on road transport, is going to make an already difficult situation worse.

But then we learned about this also. Some 400,000 of our smallest businesses used to get a modest encouragement and some support through the entrepreneurs tax offset. There will be no need to worry about that as people prepare for their taxes this year. Why? This Labor government, in spreading the benefits of the mining boom, abolished the entrepreneurs tax offset. Four hundred thousand of our smallest businesses—our start-ups, our home based businesses, our microbusinesses, our sole traders—are going to be paying more tax than they
otherwise had to as a result of Labor's idea of spreading the mining boom. Labor has banked $180 million this financial year and will bank $185 million next financial year. That is $365 million of extra tax gouged out of the engine room of the economy. When they need support, what do they get? More and higher taxes from this government, which does not care a jot about small businesses in this country. (Time expired)

**Bairnsdale Ulcer**

**Mr MARLES** (Corio) (09:38): Yesterday I received a tweet from Thomas King, who led me on a journey. During that journey I spoke to Dr Mel Thomson, a biomedical researcher at Deakin University, who, along with Michelle Harvey, an entomologist, is working on a campaign and a project to see medical maggots treat Mycobacterium ulcerans, otherwise known as Bairnsdale ulcer. It turns out that a medical maggot costs about a dollar—who knew—and they need to raise about $9,500 in order to give rise to this trial for treating this disease with these maggots.

Yesterday I had the pleasure of donating to that campaign, and in the process I learnt a lot about Bairnsdale ulcer and the great work that Mel Thomson and her colleagues are undertaking. Bairnsdale ulcer, Mycobacterium ulcerans, is the third largest mycobacterial infection in the world behind TB and leprosy. It is one of the most neglected tropical diseases which exists anywhere in the world. It largely exists in tropical parts of the world, including tropical Australia but, surprisingly, the Bellarine Peninsula, in my electorate, is an area in which this disease is endemic. Sixty cases have been reported in the last year, and Barwon Health tell us that over the last two years we have seen a 50 per cent increase in this disease occurring on the Bellarine Peninsula.

There seems to be a link between the disease appearing in various animals on the peninsula and transmission to humans, which speaks to a larger story. The emerging infectious diseases which we are seeing around the world, the great threat of a pandemic, are all in the space of animal-to-human disease transmission, which means that this is an area on which we need to be doing much more work. The Australian Animal Health Laboratory, which is based in Geelong, is one of the leading research institutions in the world in looking at the transmission of disease from animals to humans. This is an area where we really want to see their role expand and to look not just at animals but at the way in which we can use the work and leverage off it so that these emerging infectious diseases are limited and are able be treated as much as possible.

This disease is a big disease worldwide but has a very local footprint on the Bellarine Peninsula. Whilst there is something squeamish and gory about treating this disease with maggots, the point that Mel makes is that it would be the most cost-effective way of treating this disease. While not being so significant here in Australia, this would be enormously significant in a country like Ghana, where the disease is endemic. I very much urge people to give to this. They need to raise $2,000 more in the next three days.

**Casey Electorate: Cran, Ms Alison**

**Mr TONY SMITH** (Casey) (09:42): I rise in the House to pay tribute to and recognise a fine public service career not here in Canberra but in local government in the electorate of Casey, which I have the honour of representing here, in our federal parliament. I speak of Alison Cran who recently retired from the Yarra Ranges Council after nearly 13 years of
dedicated service as the Director of Social and Economic Development. Before this she had a career in other areas of local government. I am pretty sure that Alison did not and does not agree with me on every issue but I am certain of the most important thing: Alison always acted in the finest traditions of the public service—professional, hardworking, dedicated, passionate, prepared to deal with the difficult issues and prepared to look to the long term.

At a recent farewell function for her, the Chief Executive Officer of Yarra Ranges Council, Glenn Patterson, spoke of Alison's compassion, commitment, conviction and her leadership. He spoke of her no-nonsense style and her commitment to excellence, blended with humour and a generosity of spirit for those in need. Her leadership role in the response to Black Saturday exemplified Alison's capacity and commitment. The Yarra Ranges Council staff and the wider Yarra Ranges community will of course miss her. Yes, they will be poorer for her leaving, but of course her achievements and her legacy will remain and stand out as a standard for those staff who worked with her to try to live up to. She was a mentor for so many staff at the Yarra Ranges Council. I wish her and her family very well in her retirement and wish all the best for her partner, Greg, and for her boys. I think it is appropriate in this parliament to pay tribute to a public servant who has done so much for the community that I represent.

Dobell Electorate: Mining

Mr CRAIG THOMSON (Dobell) (09:44): Again I rise to speak about the proposed coalmine in my electorate. The reason I raise this issue continually is that it is the most important issue for people on the Central Coast. The reason it is the most important issue is that this proposed coal mine—proposed essentially by the South Korean government with all the coal to go to South Korea—is under the major water catchment area for the Central Coast. The coalmine proponents themselves, in the documents that they have put out, have demonstrated that each and every day half the annual rainfall for the Central Coast will be lost because of this coalmine. Each and every day, half the annual rainfall is going to be lost.

In our area we got down to less than 10 per cent of our water supply only three years ago. For anyone to allow a coalmine that is going to jeopardise the security of the Central Coast community by taking away its water is almost criminal. That is why it absolutely galls me that, each and every election, we get the political parties coming along saying they are going to do something about stopping this mine. The most recent and classic example was Barry O'Farrell. He actually got up there during the last election campaign, in a red t-shirt, saying, 'Water not coal. We're going to legislate if we are elected. No ifs, no buts. We'll make sure this water catchment area is protected and there will be no mine.' Two years down the track, the mine proposal is moving on again. The insidious mining interests seem to be able to buy political power each and every time, even though it is communities like mine that are going to lose out.

This coalmine is going to do worse than destroy the community's water supply, destroy the lifeblood of the community; it is also going to kill people. The mining proponents themselves say, 'People will die because of this coalmine.' How anyone can say it is a good thing for the Central Coast, or a good thing for any area, to destroy the water supply, the lifeblood of the community, and kill its citizens by having a coalmine is beyond belief. I have a private member's bill that neither of the big parties is prepared to support. What I am saying is: you are going to be judged at the next election on this. For the Central Coast, the next election is
going to be a referendum on what is good for the people of the Central Coast, and having a coalmine certainly is not.

In the remaining few seconds that I have, I want to pay tribute to Alan Hayes, Warren Simmons, Mike Campbell and Bob Graham in particular. Through a grassroots organisation they have led the fight to stop this coalmine for over 10 years. This coalmine is destroying my part of the world. It is destroying the Central Coast. It should not go ahead. If either party had any decency, they would be supporting my private member's bill. (Time expired)

**Gippsland Electorate: Employment**

Mr CHESTER (Gippsland) (09:47): I rise to raise the issue of a fundamental concern in Gippsland and throughout regional Australia—that is, the issue of sustainable long-term jobs for our communities. Our jobs underpin the future of regional towns, providing opportunities for young people to achieve their full potential and have decent career opportunities outside our cities. The issue of strategic development of regional development is quite broad ranging. I have always supported strong government investment, strategic investment in key infrastructure, along with leveraging off the private investment which occurs in our regional towns, to try to create new job opportunities. But one of the most important things to remember when it comes to regional development is making sure you look after the jobs you already have in your community.

Throughout my five years in parliament, I have been true to that commitment. I have endeavoured always to fight to keep the jobs we already have in Gippsland and the Latrobe Valley and to vigorously promote our region in order to secure new jobs and to expand our existing enterprises wherever possible. I regard it as a badge of honour that I have always been able to stand up for local jobs and protect the local economy in that regard. I view it very much as a partnership between the community, the business sector and all levels of government, and if that partnership breaks down the community suffers.

An issue of concern for me, one that I wish to bring to the House's attention, is contained in a petition which is being circulated at the moment by the CFMEU. This petition has my support. I have met with the CFMEU and the management of Australian Paper's Maryvale Mill on many occasions in Gippsland, and the issue of government procurement of Australian-made products is a common theme in our discussions. Almost a thousand people work at the pulp and paper mill in Gippsland. The member for Braddon visited and was very impressed with the operation that he saw there. The Australian government is the biggest purchaser of paper in Australia and we want the government to buy less imports and more Australian made paper to support jobs in local communities, support families and support regional areas like Gippsland.

The workers at the mill, the CFMEU, and the company are concerned that Australian companies are continuing to lose their procurement contracts with federal government agencies to overseas suppliers, which is putting their jobs at risk. It is a false economy for the federal government to save a few dollars on buying an imported product if the government then has to pay welfare benefits to displaced workers here in Australia. We hear a lot about free trade agreements in this place and the so-called level playing field, but the bottom line is that we are not comparing like products. The Australian paper and timber industry is heavily regulated. It meets the highest environmental standards in the world and provides a quality product which supports local jobs in areas like Gippsland. The shipping in of imported...
products with questionable environmental credentials is a folly with potentially devastating ramifications for local jobs in communities like Gippsland.

The government needs to ask whether we are getting true value for Australian taxpayers when we consider the full impact of awarding a contract offshore. I have some significant doubts. I urge all Gippslanders to sign this petition, which is being distributed by the CFMEU, and I look forward to returning to the parliament with thousands of signatures in support of local jobs. \(\text{(Time expired)}\)

**Olive Oil**

Ms RISHWORTH (Kingston—Parliamentary Secretary for Disabilities and Carers and Parliamentary Secretary for Sustainability and Urban Water) (09:51): I rise today to update the House on the progress of my campaign to urge all retailers in Australia to adopt the Australian standard for olive oils and olive pomace oils. I have spoken numerous times in the parliament about the importance of the olive oil standard being adopted so that consumers have a clear picture of what they are consuming. I launched a petition in February this year and I have had hundreds and hundreds of signatures saying yes, residents in my electorate and right around Australia are calling for retailers to adopt this standard. Retailers do have a responsibility to adopt the Australian standard. I know that the industry has worked very hard to create this standard and now the obligation is on retailers to adopt it. If that occurs, local consumers will have more confidence, when they go to the supermarket and they look on the shelves and see extra virgin olive oil, that it does meet an Australian standard. The health implications are big if people are consuming what they think is extra virgin olive oil but it is not.

I have had overwhelming support for this standard, not only from olive growers. Of course olive growers believe that this is important to give them a fair and level playing field with other olive oils that are imported—that is one element of it—but in particular I have had huge support from consumers who have felt that accurate food labelling is critically important. I would urge people to visit my website at www.rishworth.com.au to sign the petition. I will be presenting this to all retailers, but particularly to Coles and Woolworths. While I commend Coles and Woolworths for the work that they have done in adopting the Australian olive oil standard for their own branded product, for it to really be clear for consumers the Australian standard does need to be adopted for all olive oil products on their shelves.

If you are interested in this issue, and I know a lot of people are, please sign this petition. I was very pleased to have launched the petition with the support of Coriole Vineyards and iconic foodie Maggie Beer—one of the member for Wakefield's constituents—who has been very passionate about this issue. In fact, I was pleased to have an olive oil tasting with her, and her passion for Australian produce is huge. This is about accuracy in labelling, about accuracy for consumers, and I urge people to sign the petition and join the hundreds of people who already have signed it. \(\text{(Time expired)}\)

**Swan Electorate: Hunter Syndrome**

Mr IRONS (Swan) (09:54): I am pleased to be able to inform the House of some good news recently given to some constituents of mine—the Dierkx family—regarding treatment for their son Christian, who suffers from Hunter syndrome. This saga has been going on since December 2011, but I am happy to say that we have had a satisfactory conclusion.
Members might recall hearing the story of the Dierkx family in the media earlier in the year on *Sunrise* and in the newspapers. At the time, they were living in New South Wales in the electorate of Cowper and the member for Cowper was doing what he could to bring the story of the Dierkx family to national attention and to the attention of the minister. Christian, who was five at time, had been being treated with the Elaprase drug under the federal government's Life Saving Drugs Program since August 2009. Elaprase is the only known treatment for Hunter syndrome, the condition that Christian has. Hunter syndrome, or MPS II, is experienced by only around ten children in Australia.

Elaprase is a very expensive drug, well beyond affordability for families, but is considered a life-extending and life-saving treatment by parents and doctors. I believe the cost to the program is about $300,000 a year. As the member for Cowper stated in his speech to the House on 13 February 2013, Hunter syndrome causes the build up of molecules in the body and leads to the enlargement of joints, organs, heart valves and airways to the point where the cease to function. Elaprase provides an enzyme to displace the accumulation of these molecules.

In December 2011, Christian's parents were advised that the Commonwealth would no longer fund this treatment on the grounds that there was no evidence of significant neurodevelopment deterioration. This was obviously extremely distressing for the Dierkx family as they believed the drug was extending Christian's life significantly. They appealed the decision, but this was rejected in May 2012. They then sought ministerial intervention from the Minister for Health and Ageing. However, by February this year, Christian had not been treated with Elaprase for 12 months and medical examination in December stated that Christian had stopped growing.

The Dierkx family moved into my electorate earlier this year and Rob and Michelle immediately contacted my office for an appointment, which we held on 9 April. I wrote to the health minister about this issue. My argument was that, while ministerial intervention was being considered as part of the appeals process, the treatment should be reinstated until the process had been completed. On 23 May, I was informed by Rob that the treatment had been reinstated. This was terrific news and I sincerely thank the health minister, the member for Cowper, *Sunrise* and all the media who highlighted this young boy's plight and helped get the decision by the health department overturned. I would also like to commend Rob and Michelle, who have done everything they could possibly do to help their son Christian.

**Braddon Electorate: Aquaculture**

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (09:57): A fish frenzy was recently reported on the front page of my local newspaper, *The Advocate*. It is celebrating a $60 million project on the west coast of Tasmania at Strahan in Macquarie Harbour. It is an aquaculture hub for salmon growing. Three salmon-growing companies in Tasmania have collaborated to create this hub on the west coast which will grow salmon. I understand the waters of Macquarie Harbour off Smith Cove are the best waters in the world—the best of the best in the world—for growing salmon. So that is good news for all of you who love salmon—and I know when Dick Adams brings his salmon to parliament for everyone to enjoy, there is a fish frenzy. The federal government, in round 4 of funding under the Regional Development Australia Fund, have committed $7.14 million to this project.
Along with the mayor of the west coast, Darryl Gerrity, I met with the proponents the other day to announce the funding. It will support 100 construction jobs and 160 more jobs in a whole range of occupations associated with aquaculture—jobs in logistics for transport, in the technologies used for netting and for the people doing the feeding, for example. The project itself is part and parcel of a diversification of the economy—part of seeking to keep the west coast sustainable into the future. The west coast has always had a reputation for mining—and mining is very important to that economy and to that community—but allied to that is tourism. Only recently I announced $6 million from the federal government to support the continuation of the Abt Railway, one of the most novel railway systems in the world, on the west coast to support tourism. Recently Minister Burke rejected listing the Tarkine under National Heritage. Now we can add to that funding for a potential fish frenzy.

This industry, worth hundreds of millions of dollars to Tasmania, is potentially a billion dollar industry for our economy. I congratulate Tassal, I congratulate Petuna Seafoods and Huon Aquaculture, along with the Tasmanian Salmonid Growers Association, the federal government, and the west coast on what is a fantastic collaborative project.

The DEPUTY SPEAKER: Order! In accordance with standing order 193 the time for constituency statements has concluded.

BUSINESS

Rearrangement

Mr CHAMPION (Wakefield) (10:00): by leave—I move:

That orders of the day Nos 1 and 2, committee and delegation reports, be postponed until a later hour this day.

Question agreed to.

COMMITTEES

Health and Ageing Committee

Report

Debate resumed on the motion:

That the House take note of the report.

Mr GEORGANAS (Hindmarsh—Second Deputy Speaker) (10:02): Before I start, I acknowledge that in the chamber here today we have yourself, Deputy Speaker Hall, the Chair of the Health and Ageing Committee, and the Deputy Speaker the member for Swan, who is the Deputy Chair of the Health and Ageing Committee. It gives me great pleasure to speak on this particular report, which is very dear to me in terms of my seat. When I was first elected in 2004 one of the very first speeches that I made was on dental care, so to see this report tabled this week with some very good recommendations in it is very important to all of Australia. For a seat like mine—the electorate of Hindmarsh, which is one of the oldest seats in the country—dental care is a high priority and a big issue.

The report speaks about the accessing of dental care by all people—children, families and older Australians. Currently, over 90 per cent of adults in Australia show some form of tooth decay. That is, 90 per cent of the adult population should be seeking the services of dental care or treatment. Yet, for many Australians the costs of accessing private dental services are constrained because of the cost of the services, their availability et cetera.

FEDERATION CHAMBER
During many of my doorknocking sessions and consultations that I have with constituents, dental care is one of the topics that is raised on a regular basis. I have heard some horrendous stories of people needing but not being able to access the services. When I was elected back in 2004 I raised this issue on a number of occasions. In 1996 we saw public waiting lists across the country rise to about 650,000 people not being able to access dental care. It is an issue that affects many people.

It is also a health issue. One of the things that amazes me—as I am sure it does you, Deputy Chair, and the deputy chair of the committee—is that, if you break a bone, you have access to health services immediately. If you break a tooth, it is viewed in a different way. Yet a broken tooth can bring on a whole range of secondary illnesses and diseases. We know that, if you do not have healthy teeth, it affects other areas of your health.

Many people gave evidence to the committee, from public servants to dental experts, dental hygienists and a whole range of other people. All the information was accessed and the committee came up with some very good recommendations. For example, one of the areas that we investigated was enabling dental hygienists, dental therapists and oral health therapists to hold Medicare provider numbers so that they can practice independently as solo practitioners within the scope of practice parameters stipulated by their professional practice registration standards. The provision of Medicare provider numbers to these practitioners could be piloted, and we could see how that would work. I think that would be a really good recommendation, especially for some of the rural areas. These people do some great work, and it would mean they could provide more services to ensure that people are getting that first treatment that is really required to prevent further decay and to prevent further issues.

There are people on low incomes who cannot access services. During my regular doorknocking sessions, many people over the years have told me that they are concerned that there is no sustainable scheme—or, for many, no scheme at all—in place. The Grow Up Smiling package, which the government has announced, is a great initiative of $2.7 billion over the next six years for a capped benefit entitlement of $1,000 per child over a two-year period for basic dental services. This will include X-rays, fillings, check-ups and extractions, and around 3.4 million children between the ages of two and 17 will be eligible under this scheme.

We heard during the inquiry how important it is to ensure that preventative measures are put in place as well. It is not about just treating tooth decay and diseases that people are already suffering from; it is important to prevent these things. The way to do it is through this particular scheme, which will put prevention measures in place before teeth decay and before we get into the issue of secondary decay and a whole range of other things. It also means parents do not have to worry about juggling the cost of dental care for their children. It is very important.

I commend the report. It is a great report. As I said, I would also like to acknowledge: the member for Shortland and the great work she did as chair; the member for Swan, as deputy chair; of course, our committee secretariat, Alison Clegg, Renee Toy, Siobhan Leyne, Emma White, Belynda Zolotto, Fiona McCann and Kathleen Blunden; and all the other members on the committee.

Mr IRONS (Swan) (10:08): I rise to speak on the Bridging the dental gap report, which I spoke about in the main chamber, along with the chair, when the report was tabled. I
recognise and acknowledge the speech just made by the member for Hindmarsh, who was the Chair of the Standing Committee on Health and Ageing until he was elevated to higher office. I thank him for his acknowledgement during his speech about the Bridging the dental gap report.

The report was short and quick, but it needed to be done by the government to get something in place on dental services, which, as we have just heard from the member for Hindmarsh, are so important not only to adults, children and people with chronic disease but to people in rural, remote and regional areas in Australia. One thing that came out of the report is that we need to have a united front in this area to make sure that the services and outcomes for people with dental and oral health issues are positive. We need to make sure that the states are all on board and that everyone works together to get the best outcomes for those people.

During the inquiry we travelled to Dubbo, to Charles Sturt University. I would like to acknowledge that that is one of the best remote and rural services I have ever seen. If that is a model that could be rolled out across the country it would be most beneficial, particularly, to remote rural and regional areas. We heard how the Royal Flying Doctor Service dispense their oral and dental health treatments out into the really remote areas, where Indigenous oral health is probably at its worst but, in particular, the visit to Dubbo's Charles Sturt University was a highlight. The people who were being treated on the day were getting free treatment by the students who had gone past their second year of training, and they will be treated by them until the students graduate. While we were there we heard that the first batch of graduations is going to happen this year. The environment was light, friendly and very professional. We spoke to some of the people who had had some treatment, and they were happy to use this free service with the interns and to bring their children along to use those facilities as well. It provides a much needed service for a remote and rural area.

In closing, I again commend this report to the House and I congratulate the committee and the secretariat for the work they did. I would also like to take this opportunity to thank the current chair and the previous chair of the committee for working cooperatively with me over this parliament. It is good that we have not seen a dissenting report to any of the reports that we have written. I think that that is probably unique within the parliament. Again, I would like to thank both the chair and the previous chair.

Debate adjourned.

Climate Change, Environment and the Arts Committee

Report

Debate resumed on the motion:

That the House take note of the report.

Ms HALL (Shortland) (10:12): I rise to speak on Managing Australia’s biodiversity in a changing climate: the way forward, a report of the House of Representatives Standing Committee on Climate Change, Environment and the Arts. This is a very important report, as was the previous report that was spoken on by you, Mr Deputy Speaker Georganas, and by the member for Swan, the deputy chair of the health and ageing committee. I would like to acknowledge the contributions that you have both made and also acknowledge the fact that in the time it has been operating in this parliament that committee has never had a dissenting
report. Similarly, the report I am speaking on today is a report that all members of the committee agreed to, and this committee also has a long history of delivering unanimous reports.

This was a very wide-ranging inquiry which went over the whole of the parliament. Two discussion papers were tabled in that time and those discussion papers have been debated in this House. This inquiry made seven recommendations which are very important for the future of biodiversity and it acknowledged the impact that climate change has had within Australia. I would like to run through just a couple of those recommendations and, in doing so, to talk around them.

The first recommendation was a requirement for five-yearly reports, using existing frameworks. It is important that there be five-yearly reports and there be a focus on looking at outcomes, looking at what has been achieved, and monitoring the progress as we go along. This would look at a number of different factors. It would look at loss of distribution and invasive species, which were identified as a very big problem during the inquiry, as is the impact climate change is having on species. The second recommendation was for the development of a central national database incorporating a consistent and adaptable model of uploading and storing information that is able to be scientifically accredited.

Throughout the inquiry we were confronted with some pretty persuasive scientific evidence that should be used and put in place, and everything that happens should be measured against that scientific evidence. The whole process has to take note of the science. To digress a little, one of the programs we heard about was citizen scientists, which is where volunteers collect data—it is mainly observational collection of data. It is very valuable. I think the more you involve the community in seeking and providing this information, the more they understand the issues around climate change. If people have ownership of their environment and ownership of what is happening, there are going to be much better long-term outcomes.

We looked at the ongoing funding processes. We also looked at fire and the impact it has on our biodiversity. We looked at marine and terrestrial biodiversity and corridors and we felt this should be included on the agenda of the Council Of Australian Governments. That was included in recommendation 4.

One of the issues we heard a lot about from people providing evidence to the committee concerned the funding cycle and the fact that organisations and individuals had to constantly apply for grants. Also, the level of accountability and the requirement to get on this grant roundabout often impinged on the effectiveness of programs. We find that in just about all areas that members of this House look at—the constant piloting of the program, constantly putting in applications. It can be a very successful program but the organisation has to re-apply and often a pilot will no longer be continued once it has been found successful. The committee felt there was a need for a longer term, allowing a proper baseline—a recognition that programs can run for maybe even up to ten years. There would be accountabilities written into the process and there would be criteria that organisations would have to meet to continue along that time line. The committee felt that this was something that needed to be looked at pretty seriously. We looked at the implementation of the recommendation of the independent review of the Australian government's Environment Protection Authority. We wanted to ensure the success of the national plan for environmental implementation, and that was one way in which we saw it could be achieved. We looked at the publishing of information about
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project scopes and time lines and the scientific community being widely consulted, as well as
those people who are intimately involved in environmental protection and in looking after our
environment. One of the programs we were all very impressed with was the Atlas program.
We felt that the government should work with Atlas to develop a sustainable form of funding
for Atlas and we recommended:
… that the Australian Government provide funding to the CSIRO and Atlas of Living Australia to:
- assess the current level of digitisation of biological collections in Australia
- coordinate the digitisation of biological data into the Atlas.
This would make it much more easily accessible.

One of the issues I want to concentrate on is grant fatigue and its link into that time line.
Recommendation 12 of the report looks at grant fatigue and the need to make improvements
in that area, so I will not go further into that.

Recommendation 14, and I feel this is a very important, recommends:
… that the Minister refer an exposure draft of the EPBC Amendment Bill to the Committee for review
prior to introduction in the Parliament.
The committee heard a lot about the proposed changes to the EPBC Act. We were very
concerned about the impact these changes could have on our environment. Whilst no member
of this House believes that there should be too much red tap or green tape, we do believe there
has to be proper processes in place. By referring approvals and controls back to the states we
are in some ways jeopardising our environment. Quite often the biggest developers are our
state governments. The state governments will then be making decisions on their
developments.

It is very concerning that these changes could actually lead to the considerable weakening
of the protection of our environment. I certainly do not want to see that, particularly when we
are looking at issues in relation to state governments. In New South Wales, my state, the New
South Wales government currently is allowing shooting in national parks. That really
concerns me, because I think shooting in national parks not only has the potential to damage
the environment—the fauna and flora—in those parks, but it also has the ability to endanger
lives. All governments are beholden to be very mindful of that. I have spoken to
environmentalists and members of the community who are very concerned about shooting in
national parks. I have also spoken to people who like to hunt. Those people expressed their
concern to me about shooting in national parks.

I have real concerns about handing more power to the state governments because by doing
that there is a real conflict about protecting our environment. It is not only shooting but also
logging in national parks, and state governments are making noises about logging in national
parks. I do not think that the EPBC Act should give more power to a state government that is
looking at activities such as logging in national parks because there is a conflict of interest
between what is best for the environment, for environmental protection and for state forestry.
I feel that this really needs to be considered very carefully.

Members have heard about the issue with running cattle there in the alps of the Snowy
Mountains. It was the state government that was pushing that particular activity, and it was
because the Commonwealth government had the ability to ask, 'Is that in the overall interest
of the environment?' that cattle were not allowed to run in that national park.
I put on the record that I am very concerned about any change to the EPBC Act. That goes to recommendation 14 of the report and the fact that prior to any changes of that act it should be sent to the committee to be reviewed, and that review should look at the impact that handing over control or the decision-making process will have. So often, it conflicts with what the state governments are doing. It was also determined by the committee that the Australian Alps put in place a model that is similar to the Great Barrier Reef Marine Park Authority.

I commend this report to the House and I will finish where I started. Like the health and ageing committee report, this was a unanimous report that was supported by all the members of the committee. I thank all those who have been involved in developing what I think is a really good blueprint for our environmental future and for preserving Australia's biodiversity in a changing climate.

Debate adjourned.

BILLS
Public Interest Disclosure Bill 2013
Public Interest Disclosure (Consequential Amendments) Bill 2013
Second Reading

Cognate debate.

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

Mr KEENAN (Stirling) (10:28): The Public Interest Disclosure Bill 2013 seeks to establish a legislative scheme for the investigation of alleged wrongdoing in the Commonwealth public sector and to provide for protective mechanisms for current or former officials who make qualifying disclosures under the regime.

Clearly, a bill of this nature is fairly topical when issues about a right to know what your government is doing, and about the way legitimate whistleblowers might be protected within the Commonwealth Public Service, have been around for some time. It is important to note that the Labor Party, prior to the 2007 election, promised that they would bring legislation of this type forward. Here we are, with 5½ days left of the second parliament of which the Labor Party has been able to form government, and they introduce it. Clearly, they are introducing this legislation not because they felt that it should apply to them, regardless of the fact that they made an election commitment that it would be a case, but so that it will apply to the next government. This is an indication that they do not take these issues as seriously as they should. A commitment was made that legislation of this type would be brought forward in 2007. That we are now in 2013, literally at the end of this parliament, and the government has finally got around to bringing legislation of this type forward is, I think, a very good representation of the way this government governs, and of the fact that commitments made by the Labor Party prior to elections never seem to be a very high priority for them once they come to office.

The question of Commonwealth enactment of whistleblowers legislation has been around for a long time, as I said. In 2008, the House of Representatives Standing Committee on Legal and Constitutional Affairs—which, incidentally, was then chaired by the current Attorney-
General—was tasked with examining whistleblower protection models and reporting its findings to the parliament. That committee reported in January 2009. The government did not respond until March 2010, agreeing substantially with the committee's recommendations and undertaking to introduce a bill in the course of that year. So, the committee was tasked to inquire into this issue in 2008. It reported at the beginning of 2009. The government responded a year or 14 months later, and they substantially agreed with the recommendations from that committee. They promised that a bill would be introduced in 2010. Yet here we are, in the middle of 2013, debating this legislation. The fact that we are only now debating this legislation, after all these commitments have been made to bring it forward, is a very good indication about where the Labor Party prioritises it and that this government was not necessarily prepared to have legislation brought forward that allowed for Commonwealth whistleblowing.

The scrutiny that this bill will apply comes in a number of different ways. Firstly, it will promote the integrity and accountability of the Commonwealth public sector. It will encourage and facilitate the making of public interest disclosure by public officials. It will ensure that public officials who make public interest disclosures are supported and protected from adverse consequences related to disclosures. It will ensure that disclosures by public officials are properly investigated and dealt with.

A public interest disclosure is a disclosure of information by a public official that is: a disclosure within the government to an authorised internal recipient, concerning suspected or probable illegal conduct or other wrongdoing; a disclosure to anybody, if an internal disclosure has not been adequately dealt with, and if wider disclosure satisfied public interest requirements; a disclosure to anybody of substantial imminent danger to health and safety; and a disclosure to an Australian legal practitioner for purposes connected with the above matters. It should be noted that conduct is not disclosable conduct if it relates to political or expenditure matters with which a person disagrees, the conduct of a judicial officer performing judicial functions, or the conduct of intelligence agencies in the proper exercise of their functions and powers.

The bill has been referred to the Senate Legal and Constitutional Affairs Legislation Committee, which is due to report on 25 June. A range of issues have been canvassed, including whether the bill properly maintains parliamentary privilege, whether it is appropriate to exclude members of parliament and their staff, and whether the exclusion in respect to intelligence agencies is too wide.

The introduction of whistleblower legislation is one of the principal aims of the Australia's Right to Know campaign, along with freedom of information reforms, journalist shield laws, and resistance to government regulation of the press—all of which is supported by the coalition.

I also want to briefly touch on the Public Interest Disclosure (Consequential Amendments) Bill 2013. This bill makes amendments to the Ombudsman Act 1976, Inspector-General of Intelligence and Security Act 1986 and Public Service Act 1999, to provide for the investigation and any other processes consequent on the making of a public interest disclosure. I also note that the government has introduced amendments at the last minute—a practice that is happening very widely—and these amendments are going to be supported by the opposition, although it does reflect on the chaotic manner in which these final two weeks
of the parliament are being run. It is indicative of the way the Labor Party runs the country, when they introduce their own legislation and then subsequently seek to amend it before it has even had a chance to be debated in one house of the parliament.

We do not oppose the passage of these bills through the House, but obviously, considering that they are the subject of a Senate inquiry and that inquiry is not due to report for another week, if that inquiry does come up with something that we believe warrants further consideration we would reserve our right to make amendments within the Senate.

The story of these bills is not a great reflection of the way the Labor Party governs. An election commitment in 2007, it has been implemented at the final end, after two terms of governance, in 2013. A parliamentary committee reported to the House at the beginning of 2009. The government accepted those recommendations after quite a long period of time, 14 months, and said that they would legislate to implement them. Yet here we are, over 3 ½ years later, debating this legislation at a time when, clearly, it is hardly going to apply to this government at all. It will apply only to whoever gets to form the next government after the next election. I think that is a very poor reflection on the Labor Party. It is a very poor reflection on the way that they run the business of this House.

We do support this bill, as we support other measures to make sure that we have integrity within the Commonwealth Public Service, but we do reserve our right to have a look at the recommendations that will be made by that Senate committee and to deal with it appropriately within the Senate after that.

Ms PARKE (Fremantle—Parliamentary Secretary For Homelessness and Social Housing and Parliamentary Secretary for Mental Health) (10:36): I am very pleased to support the Public Interest Disclosure Bill 2013 and the Public Interest Disclosure (Consequential Amendments) Bill 2013, which together represent the first stand-alone whistleblower protection scheme at the federal level. I want to congratulate the Attorney-General, Mark Dreyfus, for the work that he has done personally to reach this stage.

In keeping with the approach of this government to a range of important reform tasks, this bill arrives as the culmination of a process whose key feature was the inquiry, chaired by the now Attorney-General, Mark Dreyfus, of the House Standing Committee on Legal and Constitutional Affairs into whistleblowing protections within the Australian government sector. I was very happy to make a contribution to that inquiry in 2008. As someone involved with the creation of the United Nations Ethics Office, which included a whistleblower protection program, and in my previous role as the Chair of the Parliamentary Joint Committee on the Australian Commission for Law Enforcement Integrity, I appreciate the value and the importance of a proactive and embedded approach to organisational ethics. This is the only way to achieve entrenched ethical practice and entrenched anticorruption mechanisms, and to succeed it must proceed in a thorough whole-of-organisation approach.

Whistleblower protection is a matter of basic organisational good health as, without adequate protection for disclosures made in relation to the poor function of any department officer or organisation, it is much harder to discover and address wrongdoing, misconduct and corruption. Thus, the key feature of the approach taken in Australia is the recognition that the ultimate objective of whistleblower protection law and policy, properly understood, is not the protection of whistleblowers as such. Protection is a crucial strategy for achieving the main objective: to encourage the disclosure of wrongdoing, fraud, waste, misconduct, abuse,
corruption and imminent danger et cetera in an appropriate way so that something can be
done about it. Practical concern about the public interest, rather than moralism, is the key. Of
course, public officials who report wrongdoing must have robust protections to ensure that
they do not suffer adverse consequences for making a report.

Whistleblower protection schemes have been operating at the state government level in
Australia for many years now, successfully. There is now a broad acceptance in Australia of
the public interest justification for effective and practical protection of responsible
whistleblowers and for whistleblowing activity by public officials and others occupying
positions of trust. There appears to be no serious suggestion in any quarter that those who
genuinely disclose official corruption, fraud, theft, criminal conduct, abuse of office, serious
threat to public health and safety, official misconduct, maladministration or avoidable
wastage of public resources should not receive protection from retaliation by those involved.
On the contrary, organisations that fail to protect genuine whistleblowers and permit or take
reprisal action against them usually face severe censure.

In addition, Australia has been the focus of attention by the committee reviewing
Australia's implementation of the United Nations Convention against Corruption. Legislating
a strong whistleblower protection mechanism is seen as a key part of Australia's compliance
with that convention. So the time has well and truly come for this bill, for these protections
and for this encouragement of public interest disclosures.

The Dreyfus report was delivered in February 2009 and the government made a detailed
response to the inquiry in 2010. The Dreyfus report, the government response and this bill
would not have been possible without the pivotal research work carried out by Professor AJ
Brown of Griffith University and other colleagues as part of a collaborative national research
project called Whistling while they work. Professor Brown, as well as integrity advocates from
the Accountability Round Table—the Hon. Tim Smith QC and Howard Whitton—have
continued to provide advice and assistance with the development of the bill, and I
want to thank—

A division having been called in the House of Representatives—

Sitting suspended from 10:41 to 11:13

Ms PARKE: As I was saying before the interruption, the Dreyfus report, the government
response and this bill would not have been possible without the pivotal research work carried
out by Professor AJ Brown of Griffith University and his colleagues as part of a collaborative
national research project called Whistling While They Work. Professor Brown, as well as
integrity advocates from the accountability roundtable the Hon. Tim Smith QC and Mr
Howard Whitton, have continued to provide advice on and assistance with the development of
the bill. I thank them sincerely for their efforts and their hard work.

While this bill is very welcome, and while it represents yet another significant achievement
in terms of the governance improvements delivered by this government, I will say that there is
scope for further enhancements in this area in the future, including whistleblower protection
in the private sector. A number of the big corruption scandals of recent years involving the
operation of Australian companies and government agencies, both overseas and in Australia,
would not have come to light without the bravery and integrity of whistleblowers in the public
and private sectors. It is only right that such courage be protected and supported.
The provision in this bill requiring review of the act in two year's time is very welcome. In the meantime, I congratulate the Attorney-General once again and commend the bill to the House.

Mr MELHAM (Banks) (11:14): I rise to support the Public Interest Disclosure Bill 2013 and the Public Interest Disclosure (Consequential Amendments) Bill 2013. The Parliamentary Library, in preparing its research paper, *Bills Digest*, into the Public Interest Disclosure Bill 2013 had the following to say on page 4:

… the Commonwealth is the only Australian jurisdiction that does not have legislation dedicated to facilitating public interest disclosures and protecting those who make them. Since the 1990s there have been a number of unsuccessful attempts to introduce more comprehensive whistleblower protection laws with a series of parliamentary and non-parliamentary inquiries and a number of private members Bills, most of which were initiated by the Australian Democrats and the Greens. However these Bills all lapsed due to a lack of Government support.

It is pleasing that the bills before the committee today have the support of the government and the opposition.

*A division having been called in the House of Representatives—*

**Sitting suspended from 11:15 to 11:45**

Mr MELHAM: The bills we are discussing today have their genesis in a report of the House of Representatives Standing Committee on Legal and Constitutional Affairs, which tabled a report in February 2009. The government in introducing the legislation largely implements the government response to that report.

It is important to point out that the chair of the committee at that time was the current Attorney-General who in effect tabled these reports and delivered the second reading speech. In the second reading speech on the bill, he listed the framework of the bill in three parts. The first is to encourage and facilitate all Commonwealth public officials to report suspected wrongdoing. The second is to make sure that reports of suspected wrongdoing are properly handled by agencies and in a reasonable time frame; and, thirdly the bill protects public officials who report suspected wrongdoing from adverse consequences as a result of reporting their concerns.

In his second reading speech on the consequential amendments bill, the Attorney points out that the Commonwealth Ombudsman and the Inspector-General of Intelligence and Security will have oversight functions for the public interest disclosure scheme. Amendments proposed to the Public Interest Disclosure (Consequential Amendments) Bill will support this oversight function.

The Ombudsman will be able to investigate a public interest disclosure made to the Ombudsman where the wrongful conduct relates to an agency that is not an intelligence agency or the Inspector-General of Intelligence and Security. The Ombudsman will also be able to investigate handling by agencies of public interest disclosures. The Inspector-General of Intelligence and Security will be able to investigate a public interest disclosure made to the Inspector-General of Intelligence and Security where the wrongful conduct relates to an intelligence agency.

Further down, these investigative functions are complemented by other measures in the public interest disclosure bill. The Ombudsman will assist agencies and public officials in the
operation of the scheme, including through the conduct of educational awareness programs. It is important that agencies and officials have a clear understanding of how the scheme works in order for it to operate effectively.

I think that is the right balance in relation to reporting and, in relation to the Inspector-General and the Ombudsman. I think there is a history there which gives the public confidence in relation to them dealing with complaints and also gives the complainants confidence that their complaints will be properly and appropriately dealt with in a confidential and sensitive way.

Because we have not had this sort of legislation in the federal jurisdiction before, I would anticipate that there will be a need for tweaking over time. That happens at a state level in state jurisdictions and that is why I think it is good and important that these bills have the support of the government and the alternative government. The signal we need to send is: 'The policy decision has been made. This is the way we are going. There is no turning back.'

I want to pay compliment to the Attorney-General, because I know how hard he has laboured in the time that he was chair of the House of Reps legal committee, parliamentary secretary and now Attorney-General to guide this legislation through the proper processes of the bureaucracy and government. We need to accept that some compromises have been made—I do not necessarily want to go into those compromises; it is the principles I am interested in.

People should be able to make a confidential complaint secure in the knowledge that it will be properly handled and that they will also be protected and not discriminated against.

What disturbs me is that one can look at the history of this case at other levels of government and one always sees the same thing happen: a complaints is made but, in a number of instances, those making the complaint are discriminated against. Some of it is passive discrimination: they are left to their own devices, left to flounder and they are not protected. So we need to be conscious of that, if we are to have information properly brought to the relevant authorities.

The other cautionary note I would make is that I am not one who has a lot of time for frivolous complaints. Because frivolous complaints can undermine the whole system. In New South Wales, for instance, we have an Independent Commission Against Corruption with a chequered history. But I get sick and tired of reading in the newspaper, listening to the radio or watching the TV, and hearing about a complaint where the ink is not even dry that has been made to ICAC. The reference to ICAC is of itself very damaging to the individuals concerned, and it might be a complaint without substance and you do not hear about afterwards, other than someone being referred to ICAC.

So we need to be careful in developing this model to set up protections in relation to false complaints. Because, I think, in a number of instances I do not think it is in the public interest that certain things are made public. In other instances, it is in the interest that certain things are made public. That is a matter of having confidence in the organisations themselves. This gung-ho attitude—and it happens, frankly, in relation to a lot of councils in New South Wales—is where people just shoot from the hip and say, 'I have referred the matter of an inappropriate development application to ICAC,' and all you find is that it is a faction fight in the council.
I flag these concerns—and I am not talking about specific pieces of the legislation; I am just talking about the principles that I support. I very strongly support whistleblower legislation. I think people should be entitled to bring that appropriate conduct before authorities. But what we do not want is workplace faction fights where, maybe on balance, decisions are made one way that could have been made another or whatever. Airing those—how to you filter those out is obviously a matter for the appropriate authorities—can drain much needed resources, because there are going to be limited resources in relation to the level of complaints. I am not saying that at a national level we are immune from these things; we are not. But I think that at a state and local government level they are more vulnerable to the sort of conduct that we have had evidence on day after day from ICAC in New South Wales. Because it is a different role for the local councils and for some state officials. We tend at a federal level—certainly as politicians, I am talking about here—to be more removed from the process. That is not to say that we are not.

So I am happy to support this legislation. I am pleased it has actually been introduced into this place, because it has been a long time coming. I urge support for it in its current form in the full knowledge that it will need to be tweaked over time as experience is gained.

Mr STEPHEN JONES (Throsby) (11:54): I am very pleased to be speaking on this important piece of legislation. I am also very pleased to be following the member for Banks in this debate, who brings to the debate and the subject matter decades of experience as a parliamentarian and, before that, years of experience at the criminal bar. The contributions that he makes must be listened to.

Of course, the Public Interest Disclosure Bill 2013 does not stand alone. It is part of a package of reforms that have been introduced by the government since winning office in 2007 which go to the issues of integrity and disclosure. I reference the reforms to the freedom of information provisions within this country, which put in place for the first time a presumption in favour of disclosure, and the abolition of the rorts that were occurring under the previous government such as the use of conclusive certificates, which were used as a device—if not a vice—to ensure that documents and information that should properly be provided to the public on request were prohibited. In equal measure the reforms that this government has put in place in the area of lobbying and lobbyists, to ensure there is greater transparency and greater regulation in this area, also take up public integrity measures, which is a great step forward in ensuring that there is a register of lobbyists for those who come to this place seeking to influence parliamentarians. In addition to that, there are prohibitions on ministerial staff engaging in lobbyist work for a period of time after they leave their ministerial employment.

The legislation before the House today is about whistleblowers, and it is very welcome. For our public servants, this protection for those making an authorised disclosure in the public interest has been a long time coming—some say too long, and I will join them. Every state and territory in Australia, as well as in a whole range of overseas jurisdictions, has legislation that provides protections for whistleblowers. I hope that the Commonwealth jurisdiction will soon join them. My own advocacy for these measures commenced before I came to parliament when I was the national secretary of the Community and Public Sector Union, the union that provides representation to the men and women who work in the public sector and in public sector entities. The CPSU has long supported the development of legislation to put
in place a process to protect public interest disclosures. I am sure the union will join with me in welcoming the fact that this bill is being debated in the House today.

The Public Interest Disclosure Bill will ensure that there are appropriate processes in place and protections offered to facilitate the disclosure of wrongdoing, misconduct and corruption. A key objective of the scheme will be to foster and promote a culture in the Australian public sector which supports speaking out in the face of wrongdoing and maladministration. The whistleblower legislation will facilitate reporting and will provide for investigation of serious wrongdoing in the public sector. It will protect whistleblowers who make disclosures in accordance with the scheme. The scheme will provide protections to whistleblowers who make disclosures directly to the media, either following an internal disclosure where the relevant criteria have been satisfied or, in a much rarer occasion, where the discloser believes there is an imminent danger to public safety which justifies direct disclosure without prior internal investigation within government.

In developing this framework the government has built upon the foundations of the February 2009 House of Representatives Standing Committee on Legal and Constitutional Affairs report of the inquiry into whistleblowing protection within the Australian government public sector. The government's detailed response to that report was also known as the Dreyfus report. I take this opportunity to acknowledge the work put into this policy area over many years by the now Attorney-General Mark Dreyfus. Of course, he was not alone. Before him, and in the other place, Senator the Hon. John Faulkner also dedicated his time and expertise towards developing and advocating for a solid policy framework in this important area.

The government and the parliament, through committees, have also had the benefit of the expertise of Australia's leading experts in this area, including Dr AJ Brown of Griffith University. The three-year research project led by Dr Brown has been an important reference point for the parliament seeking to ensure that best-practice legislation was put forward. In his report *Whistling while they work*, Dr Brown and his colleagues conducted research across thousands of workplaces by means of survey work and direct interviews and held their own seminars and produced discussion papers. That work has been invaluable to this policy process. I take this opportunity to pay tribute to the work of Dr AJ Brown and his colleagues.

Parliamentarians in this place have known for some time that whistleblowers need a better framework of protection. Over the past 19 years there have been numerous reviews and attempts made to introduce this type of legislation at the Commonwealth level. This work started with the 1994 report of the Senate Select Committee on Public Interest Whistleblowing, which was entitled *In the public interest*. Legislation to give effect to that Senate work ended with the election in March 1996 of a coalition government. Very limited protection was introduced in the Public Service Bill that was then introduced in 1997; indeed, many commentators described it is the weakest protection framework for whistleblowers anywhere in the Commonwealth. This limited protection came into force in 1999 and is still there in section 19 of the Public Service Act. In the interim, many private members' bills were put forward, including by Senator Andrew Murray, the former senator from Western Australia, in 2001, 2002 and 2007. Regrettably, those bills never enjoyed support from the coalition government at the time; each of the three bills proposed by Senator Murray had lapsed.
Upon election to government in 2007, Labor once again took this matter up. While it has taken longer than expected to get here, we now have before the parliament best-practice legislation that will apply broadly across the entire Commonwealth public sector. I am confident that given this history, which created many quasi-experts in this era and in earlier parliaments, the bill achieves the goals of those who believe that the public sector is stronger if corruption and maladministration is exposed or if there is the potential for exposure of corruption and maladministration. We enjoy a very robust Commonwealth Public Service which is free from the sorts of maladministration and corruption that are often typified in other places. Nothing in what I have said today should be taken as casting aspersions upon those men and women who work in the Australian Public Service.

The bill contains a broad range of conduct that constitutes disclosable conduct for the purpose of the scheme that is put forward. This conduct is set out in subclause 29(1) of the bill. It includes conduct that contravenes a law of the Commonwealth, a state or a territory; conduct that contravenes a law of a foreign country which is applicable to the agency, public official or service provider; conduct that perverts, or is engaged in for the purpose of perverting or attempting to pervert, the course of justice, or conduct engaged in for the purpose of corruption of any other kind; conduct that constitutes maladministration, including conduct that is based in part on improper motives, is unreasonable, unjust, repressive or negligent; conduct that is an abuse of public trust; conduct that constitutes scientific misconduct as described in item 6 of the table; conduct that results in a wastage of public money or public property; conduct that unreasonably results in a danger to the health or safety of one or more persons or is unreasonably likely to increase the risk of such danger; conduct that results in, or increases, a risk of danger to the environment; and other conduct as prescribed in the Public Interest Disclosure rules. Deputy Speaker, you can see the scope of the legislation. The proposed legislation is very broad indeed.

Why is the bill important? Quite simply, the bill is important because it is a critical plank in ensuring that our Australian Public Service maintains a culture of openness, a culture of transparency and a culture of good governance. We put great trust in our public institutions and in our public servants. Nothing is of greater importance than that public administration is carried out in a way that is free from maladministration and corruption. We expect the very highest of ethical standards as is set out in the APS Values. In regard to the Public Service, there have been three key objectives of this government: firstly, to rebuild trust and the accountability of ministers and their staff; secondly, to uphold the Westminster tradition of public service independence and neutrality; and, thirdly, to deliver a more open and responsible government committed to serving the public interest. In that vein, the new Australian Public Service Values have just been released by the Attorney-General this week.

This government came to office in 2007 committed to rebuilding the integrity of government and the Australian Public Service. I believe that our commitment to greater protection of public servants will be met in the reforms before the House today. We are nearing the end of a parliamentary sitting. I am very hopeful that this important legislation passes through this House with support from all sides of politics. I am also very hopeful that in the time available to those in the other place they have the opportunity to consider and pass this bill into legislation. Nothing can be more important to the confidence of the Australian public in our public institutions than that we complement the already existing measures,
which are built around ensuring that we have a framework for integrity and disclosure, with
the measures before the House today.

I commend the legislation to the House.

Mr WILKIE (Denison) (12:06): Officials must have the right to disclose misconduct,
maladministration or incompetence, and communities must have the protection afforded by
such outspokenness. In other words, so-called whistleblowing is an important check on public
administration which needs to be allowed, even encouraged. Those that would blow the
whistle need to know they are doing the right thing and will ultimately be protected from
reprisals. In essence, I think this bill does achieve that.

It has been a very long road to get to here on this very important issue. At the
Commonwealth level, comprehensive public interest disclosure legislation was first
recommended by the Liberal chaired Senate Select Committee on Public Interest
Whistleblowing, in 1994. But it had always been left to the minor parties to roll their sleeves
up and try to progress real reform. Bills were introduced unsuccessfully by the Greens in 1993
and then by the Democrats in 2002 and in 2007.

Regrettably though these were all false starts, and it was not until the election of Kevin
Rudd as Prime Minister, with Senator John Faulkner as Special Minister of State, that the
prospect genuinely hardened of us finally seeing Commonwealth whistleblower legislation
enacted. It was even more of a prospect when the Prime Minister's 2007 commitment was
reinforced in 2009 by the parliamentary committee chaired by the now Attorney-General,
Mark Dreyfus. That committee provided a detailed and bipartisan blueprint for
Commonwealth legislation.

The 2010 federal election offered more good news, this time in the Gillard government's
agreements with the Greens, along with the members for Lyne and New England and me, to
promote open and accountable government and to improve the processes and the integrity of
the parliament.

This bill, if enacted by the parliament, finally will get the job done. It will realise the
aspirations of Liberal, Greens and Democrats senators and deliver on the promises of this and
the previous Labor government. It will also deliver on our G20 commitment to the
anticorruption action plan. But, most importantly, it will genuinely strengthen public integrity
in this country.

I am hopeful the opposition will support the government's bill. The conservative side of
politics actually has a reasonable record in this regard. In fact, it was the Liberal government
in New South Wales in 1994, the Liberal and National parties in Queensland in 2006 and the
Liberal government in Western Australia in 2010 which drove important whistleblowing
reforms in those jurisdictions at that time, all of which gives me heart and confidence that this
bill will have the support of the whole parliament and indeed all of the crossbench.

Having said that, nothing is perfect and this sure is not perfect. I have campaigned with
others for a number of amendments to be made, many of which have been. I would single out
two potential amendments which remain unaddressed and take this opportunity to speak to the
Attorney-General, who has joined us, and make one final plea that the government consider
two important amendments, which I know the Attorney-General is already aware of.
Compensation for detriment caused by institutional failures to support and protect whistleblowers should be included, rather than simply the inclusion of compensation for direct reprisals, which I understand the bill currently allows. I would ask the Attorney-General to do what he can to put the power of the Ombudsman beyond doubt, and I know others have asked him this. It is something we discussed by telephone only today.

I believe the bill as it stands is deficient in a number of other ways and I have discussed these publicly, in this place and with the Attorney-General. It is regrettable that the bill excludes the case of wrongdoing by members of parliament and ministers. I do not understand why this cannot apply to all public officials, because it is certainly the expectation of the community that members of parliament and ministers should not be beyond scrutiny. They should have been included in this bill and so too should the staff of members of parliament. It is regrettable that they are not. It is a reasonable public expectation that not only should members of parliament be open to public scrutiny but also their staff should be.

Something close my heart is that the bill should include intelligence officials and material. It is regrettable they have been carved out. I do not think that was necessary. It would have been possible to craft this bill in a way that would have allowed for the careful disclosure of wrongdoing by intelligence officials. I am thinking of my own experience a decade ago when I was an intelligence official and spoke up about what I saw as a wrongdoing. I was able to do that in a way that did not disclose any sensitive information or put the national security of this country or any other country at risk.

I lament the fact that this bill does not pass what I call the Allan Kessing test. Just to remind people, Allan Kessing was the customs official working at Sydney Airport who, in 2003, wrote a very important report on security at the airport. That material was leaked—it was obviously sensitive material—to the media in 2005, and Allan Kessing was convicted of the leak in 2007. It is something, I understand, he denies to this day. There is no doubt that Allan Kessing acted in the public interest by trying to shine a light on shortfalls in security at Sydney Airport. In my opinion, he is a good man who was acting in the public interest. But this public interest disclosure bill provides him no protection, and it would have provided him no protection back then if it had been in place.

This is for at least two reasons. One, he was convicted of disclosing intelligence material. As I have already described, intelligence material and intelligence officials have been carved out from the protection of this bill. Second—arguably—there was no imminent threat to life. This is a provision in the bill where someone can go directly to the media if there is imminent danger to people. I disagree, but it could be argued that there was not an imminent threat to life. So there are two reasons for it failing the Allan Kessing test.

Nor would it pass the Andrew Wilkie test. I came to public prominence and was propelled into public life a little over a decade ago when, a week before the invasion Iraq, I spoke out publicly about what I saw as the misconduct of the Howard government and, in particular, that the Prime Minister and senior ministers were misusing intelligence information to justify an unwarranted war.

This bill would not have protected me at the time because, again, I was an intelligence official discussing intelligence matters. I was also making a complaint publicly against the Prime Minister and ministers. I think two of the most high-profile whistleblower episodes in
recent years involved Alan Kessing and Andrew Wilkie. In both cases, this bill would have provided no protection to those two men.

Having said all of that, we have travelled a very long road and finally got there with something which is substantially a good piece of legislation. I applaud the government for finally getting us to this point. It has been a long time—nearly 20 years—since we took the first steps in this place. In particular, I would like to thank the Attorney-General. I do not want this to be taken as a criticism of his predecessor, but there was a time in this parliament where this seemed to be moving dreadfully slowly and, from what I knew of the work that was being done, it was seriously deficient. The Attorney-General, Mark Dreyfus, has turbocharged this process, and I think he personally deserves great credit for that. He is ultimately very much responsible for getting us over the line, hopefully, at this last-minute—notwithstanding the shortfalls in your bill, Attorney-General!

I would also like to single out Dr AJ Brown, Professor of Public Law at Griffith University. Dr Brown has helped a number of jurisdictions with their whistleblower legislation or their public interest disclosure legislation. I would go so far as to say that I cannot think of any other person who has done so much single-handedly to enhance the integrity of public administration in this country, in particular as far as public interest disclosure of wrongdoing goes. I want to record to show that we would not have got to this stage and we would not have a bill in the shape it is in if it were not for Dr Brown and the work he has done—not just with this bill but also with helping to draft my own bill on a similar matter. That bill, unfortunately, will not be realised, but I think it has provided a benchmark or a test for the government’s bill and it has helped to add to the pressure on the government to see these reforms through. That was very much Dr Brown’s work, so good on him.

This is a significant day for me personally. I was propelled into the public spotlight over a whistleblowing episode. It was something that cost me my job, many friends and a lot of money, and it was not easy. But of course my story has a happy ending, and I am as proud as punch to be standing here in the parliament talking about finally getting whistleblower legislation through. For me this is a good day, but I am not just speaking for myself; I am speaking for thousands of whistleblowers in this country. Regrettably, Australia is a very tough place to be a whistleblower. Most whistleblowers in Australia get little public attention and little media attention. They lose their job, they lose their families and they lose their money. Some lose their minds and some even lose their lives or take their own life.

You would think that in a country such as ours, built on the foundations it is, we would be a bit more disrespectful of authority and a bit more admiring of people who speak truth to power and truth to authority. Remarkably, we are not, and many whistleblowers are dragged down by the community. Maybe they are seen as dobbers; maybe they are seen as dobbing on their mates and not being team players. I do not know what it is, but it is a tough country in which to be a whistleblower. That is one of the reasons we need this sort of legislation. We need to empower people in public administration to speak up when they see wrongdoing and to speak up when they see maladministration or incompetence. We should celebrate what they do, not drag them down. We should give them protection against reprisals, and then we should celebrate their achievement in the community.
In 2002, *Time* magazine in the United States had three women as *Time* magazine's People of the Year. They were three whistleblowers. You would never see that in Australia. Maybe one day we will see that sort of acclaim for people who speak truth to power. But, Attorney-General, this bill is a really solid stepping stone to turning this issue around in this country in the future. Thank you, Attorney-General.

**Mr DREYFUS** (Isaacs—Attorney-General, Minister for Emergency Management, Minister for the Public Service and Integrity and Special Minister of State) (12:19): I welcome the contributions of all members to the debate on the Public Interest Disclosure Bill 2013 and the Public Interest Disclosure (Consequential Amendments) Bill 2013. The Public Interest Disclosure Bill 2013 has an object of promoting integrity and accountability in the Commonwealth public sector. The bill will achieve this by establishing a single comprehensive scheme to support inquiry into wrongdoing in the Commonwealth public sector and those who report it. It is the first stand-alone legislation for this purpose at the federal level.

I thank the parliamentary committees for their inquiries and reports on the Public Interest Disclosure Bill 2013. The House of Representatives Standing Committee on Social Policy and Legal Affairs and the Senate Standing Committee on Legal and Constitutional Affairs together received more than 30 submissions on the bill. Both those inquiries recommended that this bill be passed, with the Senate committee's recommendation subject to certain amendments being made. I welcome these contributions and will be moving government amendments that are designed to further enhance the operation of the scheme.

A main purpose of the bill is to establish clear procedures for allegations of wrongdoing to be reported by public officials and for findings of wrongdoing to be rectified. The emphasis on the scheme is on the disclosure of wrongdoing being reported to and investigated within government. To this end, the bill places obligations on principal officers of agencies to ensure that public interest disclosures are properly investigated and that appropriate action is taken to deal with recommendations relating to their agency. In short, these are obligations to act on disclosures of wrongdoing and to fix wrongdoing where it is found. A well-implemented and comprehensive scheme should lead to a discloser having confidence in the system, and remove incentive for the discloser to make public information to parties outside government.

Recourse for making disclosures outside government should be exercised with reserve when reported wrongdoing is not being properly investigated and rectified, and when other public interests will not be undermined. This is reflected in the requirements to make a qualifying protected external disclosure. Amendments that I will be moving to the bill will make some changes to the qualifying requirements for public interest disclosures. External disclosure is not the only recourse for a public official who is dissatisfied with the manner in which their disclosure has been handled. It is also open to an official to make a complaint to the Ombudsman or to the Inspector-General of Intelligence and Security at any stage of the process for dealing with a public interest disclosure.

I clarify that the bill applies to the intelligence agencies. A public official within an intelligence agency can make a protected disclosure about wrongful conduct in their agency. The disclosure can be made to an authorised officer in the intelligence agency or to the Inspector-General of Intelligence and Security. A public interest disclosure concerning the conduct of an intelligence agency will be required to be investigated and dealt with in the
same way as a disclosure concerning an agency that is not an intelligence agency. The activities of intelligence agencies are governed by the Intelligence Services Act 2001 and the Australia Security Intelligence Organisation Act 1979. Under those acts, intelligence agencies must seek a direction or authority from the appropriate minister for agency use of special powers and other sensitive activities for that purpose. The responsible minister must be satisfied that any activity undertaken by an intelligence agency is in accordance with the function of that agency in addition to other factors set out in the legislation.

The purpose of clause 33 of the bill is to make clear that intelligence agencies lawfully conducting activities in accordance with their functions as defined by the Intelligence Services Act 2001 and the Australia Security Intelligence Organisation Act 1979 cannot form the basis for a public interest disclosure. The question of whether or not conduct engaged in by an intelligence agency is in the proper performance of its functions is itself a matter that can be reviewed by the Inspector-General of Intelligence and Security.

The restrictions in the bill relating to intelligence agencies apply to external disclosures. Information that is 'intelligence information' cannot be disclosed outside government and no protection is afforded for any public disclosure of this kind of information. Information that concerns the conduct of an intelligence agency can also not be disclosed outside government and does not qualify for a protected 'external disclosure', but may be the subject of an 'emergency disclosure'. In that case, the restriction on public disclosure of 'intelligence information' would still apply.

The restrictions on public disclosure of intelligence information and the conduct of intelligence information are supported by the risk that very sensitive information could be improperly or unwittingly publicly disclosed. Inadvertent or inappropriate disclosure of intelligence information may compromise national security and potentially place lives at risk. Australian intelligence agencies also have obligations to their foreign partners to maintain the confidentiality of information shared with them.

Some argue that the bill should apply to disclosures by and about members of parliament and to staff engaged by them. On this matter, the bill implements the government's response to the House of Representatives Standing Committee on Legal and Constitutional Affairs report on whistleblower protection. In that response, the government said that allegations of wrongdoing by members of parliament should be addressed by the parliament. This recognises that members of parliament and their staff perform roles that are different to Commonwealth public sector agencies and their staff.

Some criticism has also been made that the bill does not apply to federal judicial officers. It would not be appropriate for the scheme to apply to judicial officers as it would impinge on the constitutional independence of the federal courts. Allegations of wrongful conduct by federal judicial officers can be investigated through the complaints framework established by the Courts Legislation Amendment (Judicial Complaints) Act 2012 and the Judicial Misbehaviour and Incapacity (parliamentary Commissions) Act 2012.

There has also been some criticism that the bill may be difficult to understand for public officials making a disclosure. The bill places obligations on principal officers of agencies to establish procedures for facilitating and dealing with public interest disclosures. These procedures must comply with standards that are determined by the Ombudsman. It is part of the oversight functions for the Ombudsman and the Inspector General of Intelligence and
Security to give assistance to current and former public officials making a disclosure as well as to agencies to comply with the scheme. I am able to advise that the Ombudsman proposes to publish guidance on the office's website that will supplement the legislation and standards. This guidance will further assist public officials considering making a disclosure as well as agencies in complying with the scheme.

The Public Interest Disclosure Bill and the Public Interest Disclosure (Consequential Amendments) Bill represent an important reform to strengthen the process in which wrongdoing in the Commonwealth public sector is handled, and to strengthen the protections for those who report wrongdoing. I commend the bills to the House.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as whole.

Mr DREYFUS (Isaacs—Attorney-General, Minister for Emergency Management, Minister for the Public Service and Integrity and Special Minister of State) (12:28): by leave—I present a supplementary explanatory memorandum to the bill and move amendments

(1) Clause 8, page 6 (after line 26), after the definition of Commonwealth contract, insert:

(a) a body established as a tribunal by or under a law of the Commonwealth; or

(b) a statutory officeholder prescribed by the PID rules for the purposes of this paragraph.

(2) Clause 8, page 7 (lines 16 and 17), omit the definition of designated publication restriction, substitute:

designated publication restriction means any of the following:

(a) section 121 of the Family Law Act 1975;

(b) section 91X of the Migration Act 1958;

(c) section 110X of the Child Support (Registration and Collection) Act 1988;

(d) a non-publication order (within the meaning of Part XAA of the Judiciary Act 1903) of any court;

(e) a suppression order (within the meaning of Part XAA of the Judiciary Act 1903) of any court;

(f) an order under section 31 or 38L of the National Security Information (Criminal and Civil Proceedings) Act 2004;

(g) an order under section 28 of the Witness Protection Act 1994;

(h) an order under subsection 35(2) of the Administrative Appeals Tribunal Act 1975;

(i) a direction under section 35AA of the Administrative Appeals Tribunal Act 1975;

(j) a direction under subsection 25A(9) of the Australian Crime Commission Act 2002;

(k) section 29B of the Australian Crime Commission Act 2002;

(l) a direction under section 90 of the Law Enforcement Integrity Commissioner Act 2006;

(m) section 92 of the Law Enforcement Integrity Commissioner Act 2006.

(3) Clause 8, page 8 (lines 18 to 20), omit the definition of inadequate.

(4) Clause 8, page 9 (line 21), omit "tribunal", substitute "Commonwealth tribunal".

FEDERATION CHAMBER
(5) Clause 8, page 10 (after line 19), after the definition of \textit{statutory officeholder}, insert:

\textit{supervisor}, in relation to a person who makes a disclosure, is a public official who supervises or manages the person making the disclosure.

(6) Clause 11, page 12 (line 12), after "for", insert "knowingly".

(7) Page 12 (after line 16), after clause 11, insert:

\textbf{11A Designated publication restrictions}

Section 10 does not apply to civil, criminal or administrative liability (including disciplinary action) for making a disclosure that contravenes a designated publication restriction if the person making the disclosure:

(a) knows that the disclosure contravenes the designated publication restriction; and

(b) does not have a reasonable excuse for that contravention.

(8) Clause 18, page 15 (line 22) to page 16 (line 10), omit the clause, substitute:

\textbf{18 Costs only if proceedings instituted vexatiously etc.}

(1) In proceedings (including an appeal) in a court in relation to a matter arising under section 14, 15 or 16, the applicant for an order under that section must not be ordered by the court to pay costs incurred by another party to the proceedings, except in accordance with subsection (2).

(2) The applicant may be ordered to pay the costs only if:

(a) the court is satisfied that the applicant instituted the proceedings vexatiously or without reasonable cause; or

(b) the court is satisfied that the applicant's unreasonable act or omission caused the other party to incur the costs.

(9) Clause 19, page 16 (line 15), omit the penalty, substitute:

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(10) Clause 19, page 16 (line 29), omit the penalty, substitute:

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(11) Page 17 (after line 4), at the end of Subdivision B, add:

\textbf{19A Interaction between civil remedies and offences}

To avoid doubt, a person may bring proceedings under section 14, 15 or 16 in relation to the taking of a reprisal, or the threat to take a reprisal, even if a prosecution for an offence against section 19 in relation to the reprisal or threat has not been brought, or cannot be brought.

(12) Heading to Subdivision D, page 18 (line 28), omit the heading, substitute:

\textbf{Subdivision D—Interaction with the Fair Work Act 2009}

(13) Clause 22, page 19 (line 1), after "employee", insert "(within the meaning of that Part)".

(14) Page 19 (after line 5), after clause 22, insert:

\textbf{22A Interaction with remedies under the \textit{Fair Work Act 2009}}

(1) A person is not entitled to make an application to the Federal Court or Federal Circuit Court for an order under section 14, 15 or 16 of this Act in relation to particular conduct if another application has been made:

(a) under section 539 of the \textit{Fair Work Act 2009} in relation to a contravention of section 340 or 772 of that Act constituted by the same conduct; or

(b) under section 394 of the \textit{Fair Work Act 2009} in relation to the same conduct.
(2) A person is not entitled to apply under:
   (a) section 539 of the *Fair Work Act 2009* for an order in relation to a contravention of section 340 or 772 of that Act constituted by particular conduct; or
   (b) section 394 of the *Fair Work Act 2009* for an order in relation to particular conduct;
      if another application has been made for an order under section 14, 15 or 16 of this Act in relation to the same conduct.

(3) This section does not apply if the other application mentioned in subsection (1) or (2) has been discontinued or has failed for want of jurisdiction.

(15) Page 19 (before line 6), before clause 23, insert:

**Subdivision E—Miscellaneous**

(16) Clause 25, page 21 (line 8), after "recipient", insert "or a supervisor".

(17) Clause 25, page 21 (lines 17 and 18), omit "designated publication restrictions and".

(18) Clause 25, page 21 (lines 20 to 22), omit note 1, substitute:

Note 1: *Disclosable conduct, authorised internal recipient* and *intelligence information* are defined in Subdivisions B, C and D.

(19) Clause 26, page 22 (table item 1), omit the table item, substitute:

<table>
<thead>
<tr>
<th>1</th>
<th>Internal disclosure</th>
<th>An authorised internal recipient, or a supervisor of the discloser</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct.</td>
</tr>
</tbody>
</table>

(20) Clause 26, page 22 (paragraph (a) of the cell at table item 2, column 3), omit the paragraph, substitute:

(a) The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct.

(21) Clause 26, pages 22 and 23 (paragraphs (c) and (d) of the cell at table item 2, column 3), omit the paragraphs, substitute:

(c) Any of the following apply:

   (i) a disclosure investigation relating to the internal disclosure was conducted under Part 3, and the discloser believes on reasonable grounds that the investigation was inadequate;

   (ii) a disclosure investigation relating to the internal disclosure was conducted (whether or not under Part 3), and the discloser believes on reasonable grounds that the response to the investigation was inadequate;

   (iii) this Act requires an investigation relating to the internal disclosure to be conducted under Part 3, and that investigation has not been completed within the time limit under section 52.

(22) Clause 26, page 23 (paragraph (f) of the cell at table item 2, column 3), omit "in the public interest", substitute "to identify one or more instances of disclosable conduct".

(23) Clause 26, page 23 (paragraph (g) of the cell at table item 2, column 3), omit the paragraph.

(24) Clause 26, page 24 (paragraph (e) of the cell at table item 3, column 3), omit the paragraph.

(25) Clause 26, page 24 (after line 3), after subclause (2), insert:

   (2A) A response to a disclosure investigation is taken, for the purposes of item 2 of the table in subsection (1), not to be inadequate to the extent that the response involves action that has been, is being, or is to be taken by:
(a) a Minister; or
(b) the Speaker of the House of Representatives; or
(c) the President of the Senate.

(26) Clause 26, page 24 (after line 6), before paragraph (3)(a), insert:

(aa) whether the disclosure would promote the integrity and accountability of the Commonwealth public sector;
(ab) the extent to which the disclosure would expose a failure to address serious wrongdoing in the Commonwealth public sector;
(ac) the extent to which it would assist in protecting the discloser from adverse consequences relating to the disclosure if the disclosure were a public interest disclosure;
(ad) the principle that disclosures by public officials should be properly investigated and dealt with;
(ae) the nature and seriousness of the disclosable conduct;

(27) Heading to clause 32, page 29 (line 20), omit "tribunals", substitute "Commonwealth tribunals".

(28) Clause 32, page 29 (line 30) to page 30 (line 3), omit paragraph (1)(c), substitute:

(c) conduct of:
(i) a member of a Commonwealth tribunal; or
(ii) the chief executive officer of a Commonwealth tribunal; or
(iii) a member of the staff of the chief executive officer of a Commonwealth tribunal; when exercising a power of the Commonwealth tribunal; or

(29) Clause 32, page 30 (line 4), omit "tribunal", substitute "Commonwealth tribunal".

(30) Clause 32, page 30 (lines 14 to 27), omit subclause (3), substitute:

(3) **Member of the staff** of the chief executive officer of a court or Commonwealth tribunal means:
(a) an officer of the court or Commonwealth tribunal (other than the chief executive officer); or
(b) a member of the staff of the registry or registries of the court or Commonwealth tribunal; or
(c) an officer or employee of an agency whose services are made available to the court or Commonwealth tribunal; or
(d) a person prescribed by the PID rules to be a member of the staff of the court or Commonwealth tribunal for the purposes of this Act.

Note: For declaration by class, see subsection 13(3) of the *Legislative Instruments Act 2003*.

(4) For the purposes of subsection (3):
(a) a judicial officer of a court is not taken to be an officer of the court; and
(b) a member of a Commonwealth tribunal is not taken to be an officer of the tribunal; and
(c) if a statutory officeholder is a Commonwealth tribunal—the statutory officeholder is not taken to be an officer of the tribunal.

(31) Clause 34, page 32 (line 1), omit the note, substitute:

Note 1: For *authorised officer*, see section 36.

Note 2: A discloser may also disclose information to his or her supervisor (who is then obliged under section 60A to give the information to an authorised officer).

(32) Subdivision D, clauses 37 to 39, page 33 (line 13) to page 34 (line 32), omit the Subdivision.

(33) Heading to Subdivision E, page 35 (line 1), omit the heading, substitute:
**Subdivision D—Intelligence information**

(34) Clause 40, page 35 (lines 2 to 25), omit the clause.

(35) Clause 42, page 38 (line 5), after "an agency", insert "(either directly by the discloser or through a supervisor of the discloser)"

(36) Clause 42, page 38 (lines 8 to 10), omit the note, substitute:

Note 1: In order for a disclosure to be an internal disclosure (one of the types of public interest disclosure), the disclosure must be made to an authorised officer or a supervisor.

Note 2: The way a disclosure is allocated (or a refusal to allocate a disclosure) may be the subject of a complaint to the Ombudsman under the *Ombudsman Act 1976*, or (in the case of an intelligence agency) to the IGIS under the *Inspector-General of Intelligence and Security Act 1986*.

(37) Clause 43, page 38 (lines 12 to 17), omit subclause (1), substitute:

(1) If a person (the discloser) discloses information:

(a) to an authorised officer of an agency (the recipient agency); or

(b) to a supervisor of the discloser who then gives the information to the authorised officer;

the authorised officer must allocate the handling of the disclosure to one or more agencies (which may be or include the recipient agency).

Note 1: For the assistance that authorised officers must give to disclosers, see section 60.

Note 2: For the obligation of supervisors to give information to authorised officers, see section 60A.

(38) Clause 44, page 39 (line 28), after "authorised officer", insert ", and the discloser consents to the principal officer being informed".

(39) Clause 44, page 39 (after line 28), after subclause (1), insert:

(1A) The authorised officer must also inform:

(a) if the disclosure is allocated to an agency that is not the Ombudsman, the IGIS or an intelligence agency—the Ombudsman; or

(b) if the disclosure is allocated to an intelligence agency—the IGIS;

of the matters of which the principal officer of the agency must be informed under subsection (1).

(40) Clause 44, page 39 (lines 29 and 30), omit "if the discloser is readily contactable".

(41) Clause 44, page 39 (lines 32 and 33), omit ", if the discloser is readily contactable,".

(42) Clause 44, page 40 (after line 4), at the end of the clause, add:

(4) Subsection (2) or (3) does not apply if contacting the discloser is not reasonably practicable.

(43) Clause 46, page 41 (after line 10), at the end of the clause, add:

Note: The way a disclosure is investigated (or a refusal to investigate a disclosure) may be the subject of a complaint to the Ombudsman under the *Ombudsman Act 1976*, or (in the case of an intelligence agency) to the IGIS under the *Inspector-General of Intelligence and Security Act 1986*.

(44) Clause 48, page 42 (lines 6 and 7), omit paragraph (1)(b).

(45) Clause 48, page 42 (lines 10 and 11), omit paragraph (1)(d), substitute:

(d) the disclosure is frivolous or vexatious; or

(46) Clause 48, page 42 (lines 36 and 37), omit subparagraph (1)(i)(i), substitute:

(i) because the discloser's name and contact details have not been disclosed; or

(47) Clause 49, page 43 (line 34), omit "if the discloser is readily contactable—".

(48) Clause 49, page 44 (after line 1), at the end of the clause, add:
Paragraph (3)(b) does not apply if contacting the discloser is not reasonably practicable.

Clause 50, page 44 (line 3), omit "If the discloser is readily contactable, the", substitute "The".

Clause 50, page 44 (line 4), after "must", insert ", as soon as reasonably practicable,".

Clause 50, page 44 (after line 10), after subclause (1), insert:

(1A) If paragraph (1)(a) applies, the principal officer must inform the discloser of the estimated length of the investigation.

Clause 50, page 44 (after line 26), at the end of the clause, add:

(5) This section does not apply if contacting the discloser is not reasonably practicable.

Page 44 (after line 26), after clause 50, insert:

50A Notification to Ombudsman or IGIS of decision not to investigate

(1) If:

(a) the principal officer of the agency has decided under section 48 or 49 not to investigate the disclosure under this Division, or not to investigate the disclosure further; and

(b) the agency is not the Ombudsman, the IGIS or an intelligence agency;

the principal officer must inform the Ombudsman of the decision, and of the reasons for the decision.

(2) If:

(a) the principal officer of the agency has decided under section 48 or 49 not to investigate the disclosure under this Division, or not to investigate the disclosure further; and

(b) the agency is an intelligence agency;

the principal officer must inform the IGIS of the decision, and of the reasons for the decision.

Clause 51, page 45 (line 15), omit "If the discloser is readily contactable, the", substitute "The".

Clause 51, page 45 (line 29), at the end of paragraph (5)(b), add:

; or (iv) contravene a designated publication restriction.

Clause 51, page 45 (after line 29), at the end of the clause, add:

(6) Subsection (4) does not apply if contacting the discloser is not reasonably practicable.

Clause 52, page 46 (lines 19 to 22), omit subclause (5), substitute:

(5) If the 90-day period is extended, or further extended:

(a) the Ombudsman or the IGIS, as the case may be, must inform the discloser of the extension or further extension, and of the reasons for the extension or further extension; and

(b) the principal officer of the agency must, as soon as reasonably practicable after the extension or further extension, inform the discloser of the progress of the investigation.

Clause 55, page 48 (lines 1 to 6), omit the clause.

Clause 57, page 50 (line 3), omit "section 40", substitute "section 8".

Clause 58, page 51 (line 6), after "authorised officers", insert ", supervisors".

Clause 58, page 51 (after line 8), at the end of the clause, add:

Note: The way the additional obligations are complied with (or non-compliance with the additional obligations) may be the subject of a complaint to the Ombudsman under the Ombudsman Act 1976, or (in the case of an intelligence agency) to the IGIS under the Inspector-General of Intelligence and Security Act 1986.
(62) Page 52 (after line 21), after clause 60, insert:

60A Additional obligations of supervisors

If:

(a) a public official discloses information to a supervisor of the public official; and
(b) the supervisor has reasonable grounds to believe that the information concerns, or could concern, one or more instances of disclosable conduct; and
(c) the supervisor is not an authorised officer of the agency to which the supervisor belongs;
the supervisor must, as soon as reasonably practicable, give the information to an authorised officer of the agency.

(63) Clause 65, page 55 (lines 19 and 20), omit "or another law of the Commonwealth".

(64) Clause 65, page 55 (lines 23 and 24), omit "or another law of the Commonwealth".

(65) Clause 65, page 55 (line 25) to page 56 (line 5), omit paragraphs (2)(c) and (d), substitute:

(c) the disclosure or use is for the purposes of, or in connection with, taking action in response to a disclosure investigation; or

(66) Clause 65, page 56 (lines 21 to 23), omit subclause (4).

(67) Clause 70, page 64 (after line 7), after subclause (3), insert:

(3A) This section does not apply if the individual is a judicial officer or is a member of a Royal Commission.

(68) Clause 73, page 67 (line 16), omit "tribunal", substitute "Commonwealth tribunal".

(69) Clause 75, page 69 (line 5), omit "section 40", substitute "section 8".

(70) Clause 78, page 71 (lines 9 to 17), omit subclause (1), substitute:

(1) A person who is:

(a) the principal officer of an agency or a delegate of the principal officer; or
(b) an authorised officer of an agency; or
(c) a supervisor of a person who makes a disclosure;

is not liable to any criminal or civil proceedings, or any disciplinary action (including any action that involves imposing any detriment), for or in relation to an act or matter done, or omitted to be done, in good faith:

(d) in the performance, or purported performance, of any function conferred on the person by this Act; or
(e) in the exercise, or purported exercise, of any power conferred on the person by this Act.

(71) Clause 78, page 71 (line 20), omit "section 40", substitute "section 8".

(72) Clause 81, page 72 (lines 8 to 17), omit the clause.

(73) Page 72 (after line 24), after clause 82, insert:

82A Review of operation of Act

(1) The Minister must cause a review of the operation of this Act to be undertaken.
(2) The review must:

(a) start 2 years after the commencement of this section; and
(b) be completed within 6 months.
(3) The Minister must cause a written report about the review to be prepared.
(4) The Minister must cause a copy of the report to be laid before each House of the Parliament within 15 sitting days of that House after the Minister receives the report.

The government amendments to the Public Interest Disclosure Bill will improve the operation of the bill and clarify certain provisions. Proposed amendments will implement substantially the recommendations of the Senate Legal and Constitutional Affairs Legislation Committee as well as a number of suggestions arising from submissions made to the House of Representatives Standing Committee on Social Policy and Legal Affairs and to the Senate Standing Committee on Legal and Constitutional Affairs.

A number of amendments are proposed that will change the requirements to qualify for a protected public interest disclosure. These amendments serve to simplify and clarify some of these requirements and to implement recommendations 2, 3 and 7 of the Senate committee report.

These include amendment (21), which will change the criteria for establishing when an investigation or report is taken to be inadequate for the purpose of qualifying for a protected 'external' disclosure. Concerns were raised that the criteria in clauses 37 to 39 would be difficult to apply and should be based on a subjective assessment by the discloser. Amendment (21) will have the effect that inadequacy will be met if a discloser believes on reasonable grounds that the part 3 investigation was inadequate, or a response to an investigation was inadequate, or if a part 3 investigation has not been completed within the required time limit. Only one of these grounds would need to be established to meet the inadequacy requirement for an 'external' disclosure.

To give balance to the list of factors that must be taken into account for the purposes of the public interest test for an 'external' disclosure, further factors will be added to the list in subclause 26(3). These include factors favouring disclosure and reflected in the objects of the bill. The existing listed factors weighing against public disclosure of information align with exemptions in the Freedom of Information Act and will be retained.

Amendments (19) and (20) would amend the criteria to qualify for a protected 'internal' or 'external' disclosure so that a disclosure could qualify for protection where the information tends to show disclosable conduct as well as where the discloser believes on reasonable grounds that the information tends to show disclosable conduct. It will no longer be a requirement to qualify for a protected 'internal', 'external' or 'emergency' disclosure that the disclosure not be contrary to a 'designated publication restriction'. However, it remains important that the protection framework in the bill does not undermine the policy supporting confidentiality of non-publication orders and directions of the kind identified as 'designated publication restrictions' in the bill.

The approach in the amendments is that a discloser will lose the immunity protections in clause 10 of the bill where the discloser knows that the disclosure contravenes a designated publication restriction and does not have a reasonable excuse for that contravention.

Making a report of wrongdoing in the workplace can take courage. Public officials need confidence that they will not be exposed to detriment in any way as a consequence of raising concerns about wrongdoing. A number of amendments will further strengthen the protections in the bill for public officials who make qualifying disclosures. Amendment (6) corrects an omission so that the immunity protections given in clause 10 of the bill would only be lost if the discloser knowingly makes a false or misleading statement. This change implements
recommendation 4 of the Senate committee report. The penalty for the offences of taking a reprisal or threatening to take a reprisal against a person who has made a disclosure will be increased to two years imprisonment or 120 penalty units or both.

Instituting proceedings in a court for redress for alleged detriment as a result of making a public interest disclosure is a decision that most people would not take lightly. Amendment (8) will serve to ameliorate reservations a public official may have to bringing proceedings under the bill arising from exposure to pay a defending party's costs. Under this amendment, a current or former public official who brings an action in the Federal Court or Federal Circuit Court for a remedy under the bill could not be ordered to pay the defending party's costs unless the court is satisfied they instituted the proceedings vexatiously or acted unreasonably to cause the other party to incur costs. A court could exercise its ordinary jurisdiction to award costs against a defending agency party. Some amendments will serve to enhance the oversight roles for the ombudsman and the Inspector-General of Intelligence and Security.

Authorised officers in agencies will be required to give the ombudsman and the inspector-general certain details about a disclosure at the time a decision is made on how the agency or agencies will handle the disclosure. This obligation supplements an existing requirement for agencies to give information to the ombudsman about public interest disclosures at the end of each financial year, and that would be used to inform the ombudsman's annual report on the operation of the act.

As the bill now stands, to qualify for a protected internal disclosure a public official must make the disclosure to an authorised officer within the agency. Amendment (19) and related amendments will implement recommendation 1 of the Senate committee's report so that a public official can also make a public interest disclosure to a person who is their supervisor or manager. To complement that amendment, a supervisor would be required to give the information they have received to an authorised officer in their agency where the supervisor has reasonable grounds to believe that the information tends to show disclosable conduct.

The Senate committee suggested that disclosure to a supervisor includes people who are in an indirect supervisory or management relationship. This approach has not been adopted. The concept of a person who indirectly supervises someone in the Commonwealth public sector is potentially very broad. As a supervisor will have an obligation to refer suspected disclosable conduct to an authorised officer, this measure is not intended to apply to a person who would not ordinarily be considered an official's supervisor.

It remains an obligation under the bill for a principal officer to ensure there are a sufficient number of readily accessible authorised officers in an agency and to ensure that public officials are aware of the identity of each authorised officer in their agency. An official who does not want to make a disclosure to their supervisor could make a disclosure to an authorised officer.

Amendment (72) will implement recommendation 5 of the Senate committee report by omitting clause 81 from this bill. Amendment (73) will implement recommendation 6 of the Senate committee report that a review of the operation of the act be undertaken two years after it has commenced. This review will provide a good opportunity for the procedures in the act to be examined, as well as for consideration to be given to widening its application including to members of parliament and to staff.
I commend the amendments to the House.

The DEPUTY SPEAKER (Ms Hall): The question is that the amendments be agreed to.
Question agreed to.
Debate adjourned.

Sitting suspended from 12:38 to 16:02

The DEPUTY SPEAKER (Ms Grierson): The question now is that the bill be agreed to.

Mr BANDT (Melbourne) (16:02): by leave—

I move amendments (1) to (16) on sheet 1 circulated in my name together:

(1) Page 20 (after line 10), at the end of Division 1, add:

24A Act of grace payments

(1) The Minister may authorise one or more payments of an amount or amounts specified in the authorisation to a person (even though the payment or payments would not otherwise be authorised by law or required to meet a legal liability), if:

(a) either:
   (i) the person has made a public interest disclosure; or
   (ii) the person has not made a public interest disclosure but the Minister is satisfied that the person has made a disclosure that the person genuinely believed at the time of making it to be a public interest disclosure within the meaning of this Act; and

(b) either:
   (i) the Minister is satisfied that the disclosure resulted in the protection or the reclaiming of public money; or
   (ii) the Minister considers, in the Minister's absolute discretion, that there are reasons of public interest for making the payment or payments.

(2) Nothing in subsection (1) has the effect of appropriating the Consolidated Revenue Fund for the purposes of making a payment under that subsection.

(2) Clause 26, page 23 (table item 3), omit "and imminent".

(3) Clause 31, page 29 (lines 12 to 15), omit paragraph (b).

(4) Clause 36, page 33 (line 6), before "An", insert "(1)".

(5) Clause 36, page 33 (line 12), at the end of the definition of authorised officer, add:

; or (c) for an agency that is a House of the Parliament:

(i) a Senator or Member who belongs to that House or a public official who belongs to the Finance Department; and

(ii) is appointed, in writing, by the principal officer of that House (with the agreement of the principal officer of the Finance Department, if the public official belongs to the Finance Department), as an authorised officer for the purposes of this Act.

(6) Clause 36, page 33 (after line 12), at the end of the clause, add:

(2) For the purposes of paragraph (c) of the definition of authorised officer, the Finance Department means the Department administered by the Minister administering the Financial Management and Accountability Act 1997.

(7) Clause 38, page 34 (line 2), omit "(1)".

(8) Clause 38, page 34 (lines 14 to 20), omit subclause (2).
Clause 39, page 34 (line 22), omit "(1)".

Clause 39, page 34 (lines 26 to 32), omit subclause (2).

Clause 41, page 35 (line 28) to page 36 (line 4), omit paragraphs (1)(a) and (b), substitute:

(a) information that has originated with, or has been received from, an intelligence agency that is about, or that might reveal:

(i) a source of information; or

(ii) the technologies or methods used, proposed to be used, or being developed for use, by an intelligence agency to collect, analyse, secure or otherwise deal with, information; or

(iii) operations that have been, are being, or are proposed to be, undertaken by an intelligence agency;

Clause 41, page 36 (line 20), omit "(b),".

Clause 69, page 60 (after table item 12), insert:

12A A Senator. The Senate.
12B A member of the House of Representatives. The House of Representatives.
12C A person employed under the Members of Parliament (Staff) Act 1984. Whichever of the following agencies is applicable:

(a) the Senate;

(b) the House of Representatives.

Clause 71, page 64 (after line 13), after paragraph (b), insert:

(ba) a House of the Parliament; or

Clause 71, page 66 (after table item 2), insert:

2A The Senate. The President of the Senate.
2B The House of Representatives. The Speaker of the House of Representatives.

Page 72 (after line 24), after clause 82, insert:

82A Review

(1) The Minister must, as soon as practicable after the second anniversary of the commencement of this section, cause a review to be undertaken of the operation of this Act.

(2) The persons undertaking the review must give the Minister a written report of the review within 6 months of that second anniversary.

(3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

The purpose of these amendments is to clarify the way that an ombudsman can investigate a whistleblower and their claim and how it can be treated by the agency concerned. The position underpinning these amendments is, obviously: supporting the principle of whistleblowing and empowering people to take a stand to do what is right and make a positive and lasting contribution to society.

This is exactly what whistleblowers do and the Greens unequivocally support their protection under law. But we want a whistleblower scheme that assures people that they will not be the focus of investigation but rather that their allegations will be. However, the way that this bill is drafted shows greater preoccupation with protecting Public Service institutions than with public servants themselves. The government's amendments improve this imbalance, but we still have concerns because the bill sets up so many trip-wires for the whistleblower to navigate and, with one wrong step, they can lose their legal protection. In this respect, we
wish that the bill was closer to the legislation that was passed in the ACT as part of the agreement between the Greens and the Labor Party, which we believe provides a template for simplicity and effectiveness.

The amendments address a number of issues and I will go through those briefly. First is the question of MPs and their staff. An obvious flaw in the bill is that it does not cover MPs and their staff. Our amendments include them in the operation of this legislation. Members of parliament are imposing standards and obligations on all those working for the Public Service, except themselves.

This legislation, as currently framed, will do nothing to challenge the public perception that politicians are more interested in arranging their affairs to suit themselves than in vigorously pursuing the public interest. These amendments will bring MPs, ministers, speakers, presidents and their staff into the scheme so that they may raise concerns about misconduct, maladministration and corruption before the consequences escalate.

Also addressed by these amendments is the question of intelligence agencies. The blanket exemption on externally disclosing all information created or obtained by an intelligence service is so broad it would cover the most remotely incidental and inane material and even covers disclosing material that has already been publicly released.

Our moderate amendment simply takes this blanket exemption out and leaves in place the long list of exempt material that would threaten investigations, operational matters and broader national security interests. Without this amendment, our intelligence agencies will be more vulnerable to maladministration and corruption than any other public agency because there are no protected avenues for intelligence officers to disclose information to a third party when internal investigations have been fruitless or thwarted by senior management.

These amendments also address the question of act-of-grace payments. Whistleblowers often undergo great personal and financial strain once they have decided to come forward, and this legislation, despite the objects of the act, does not provide enough incentives for someone thinking about doing the right thing and speaking out.

One way that the Greens want to provide incentives is for the minister to have an explicit and broad but non-compellable power to make payments to those whistleblowers who, through their disclosures, have saved the government money either through preventing revenue loss or enabling it to be reclaimed.

There is also a broad power to reward the discloser in the public interest. Many jurisdictions have improved their public service efficiency and reduced waste through offering payment to disclosers. We should do the same so that there is a chilling effect on those who might engage in wrongdoing but do not in knowledge that their colleague might be rewarded if they expose them. I commend the amendments to the House.

Mr DREYFUS (Isaacs—Attorney-General, Minister for Emergency Management, Minister for the Public Service and Integrity and Special Minister of State) (16:06): The government does not support this set of amendments and, in fact, has moved an amendment similar to amendment (16), which would establish in the bill a requirement for the minister to undertake a review of the operation of the bill two years after it has commenced.

The government does not support the act-of-grace amendment—amendment (1). That would authorise a minister to make payments to a person who has made a public interest
disclosure where public moneys are reclaimed or where it is in the public interest. The emphasis of the scheme in this bill is on disclosures of wrongdoing being reported to and investigated within government.

This bill focuses on removing disincentives to making public interest disclosure by affording robust protections to public officials who come forward to report wrongdoing. I note that the whistleblower protection report tabled by the House of Representatives Standing Committee on Legal and Constitutional Affairs, which has very much informed the development of this bill, did not make a recommendation that incentives or payments should be made to public officials making disclosures.

The government does not support amendment 2. That would remove the word 'imminent' from the criteria for a protected emergency disclosure. The criterion, as it has been drafted in the bill, conforms with the government's response to the House of Representatives Standing Committee on Legal and Constitutional Affairs whistleblower protection report. In recommendation 21 of that report, the committee referred to disclosures being made to the media where a matter has been previously the subject of an internal disclosure and has not been acted on in a reasonable time having regard to the nature of the matter and the matter threatens 'immediate, serious harm to public health and safety.'

The government response on this aspect, which is, again, reflected in the bill, is that a discloser needs to believe on reasonable grounds that the information concerns a substantial and imminent danger to the health or safety of one or more persons. Again, the focus of the bill is on disclosures being handled within government. A substantial but not imminent threat to public safety may be disclosable conduct for a protected external disclosure if the requirements for that disclosure are met.

The amendments that deal with actions by ministers, senators and authorised officers of an agency that is a house of parliament being disclosable conduct generally, the government does not support the proposed amendments that would apply this scheme to members of parliament or their staff or actions taken by a minister or a presiding officer. Members of parliament and their staff perform roles that are different to Commonwealth public sector agencies and their staff. This difference warrants further detailed consideration, which could be undertaken upon a subsequent review of the operation of the act, which is provided for in the amendment we have moved—a review of the act two years after its commencement.

There are some amendments relating to what is to occur following an inadequate response to investigation by the minister. Again, the government does not support these amendments. The government has moved amendments that will omit from the bill clauses 38 and 39, which deal with when responses to investigations under part 3 or other investigative powers are taken to be inadequate. The government amendments would instead provide different criteria relating to whether a discloser believes on reasonable grounds that a response to an investigation was inadequate. The government amendments would preserve the principle that a response to a disclosure investigation is taken not to be inadequate to the extent that the response involves action that has been taken by a minister or a presiding officer. This is consistent with the position in the bill that the scheme not apply to conduct of a minister or members of parliament.

Coming to the amendments that deal with intelligence information, as I said in my summing-up remarks this bill does apply to intelligence agencies. A public official within an
intelligence agency can make a protected disclosure about wrongful conduct in their agency. The restrictions in the bill that relate to intelligence agencies apply to external disclosures. Information that is intelligence information cannot be disclosed outside government and no protection is afforded to any public disclosures of this kind of information.

The amendments proposed to the definition of intelligence information would effectively remove paragraph 41(1)(a) of that definition as a separate ground—that is, information that has originated with or has been received from an intelligence agency. Information received from an intelligence agency has to remain undisclosed. It is very important, and that is why those amendments are not supported.

A broad approach to what constitutes intelligence information is necessary to avoid subjective misconstruction of the harm that could arise through public disclosure of this kind of information. A discloser may inaccurately assess or be unable to accurately assess the harm that could arise to operations through public disclosure of sensitive intelligence information. Inadvertent or inappropriate disclosure of intelligence information may compromise national security and potentially place lives at risk. Also, Australian intelligence agencies have obligations to their foreign partners to maintain confidentiality of information shared for the purpose of assisting those agencies to fulfil their national security functions.

Amendment (16), the final amendment in this set, is not supported. As I have indicated the government has moved an amendment to the bill that would make provision for a review of the operation of the act within two years.

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

Question negatived.

Mr BANDT (Melbourne) (16:13): I move amendment (1) on sheet 2, as circulated in my name:

(1) Clause 26, page 23 (table item 3), after "persons", insert "or to the environment".

Currently under the bill, only significant and imminent acts that are likely to affect the health and safety of one or more persons can be disclosed to a third party—a journalist or a member of parliament, for example—immediately, without going through internal procedures first. Our amendment will allow an external disclosure to occur immediately where there is a substantial threat to the environment. For instance, under the current wording an oil rig that is likely to pollute an entire marine environment could not be publicly revealed unless it affected the health of the workers, too. This amendment will include the environment as an emergency disclosure and will also restrict disclosures on serious matters that have either already happened or where a time frame is not known to the discloser.

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

Question agreed to.

Bill, as amended, agreed to.

Ordered that the bill be reported to the House with amendments.
Debate resumed on the motion:
That this bill be now read a second time.
Question agreed to.
Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr BANDT (Melbourne) (16:17): by leave—I move amendments (1) and (2) as circulated in my name together:

(1) Schedule 1, page 6 (after line 15), after item 7, insert:

7A After subsection 5(4)

Insert:

(4A) Paragraph (2)(d) does not prevent the Ombudsman from investigating action that, under subsection 5A(1), is taken to relate to a matter of administration.

(2) Schedule 1, item 8, page 6 (line 29), omit "it", substitute "the conduct, and any action taken by the agency in relation to the disclosure."

I refer to my contribution to the Public Interest Disclosure Bill 2013 and the amendments moved to that bill. For the reasons stated in that contribution, I commend the amendments to the House.

Mr DREYFUS (Isaacs—Attorney-General, Minister for Emergency Management, Minister for the Public Service and Integrity and Special Minister of State) (16:17): The government does not support either of these proposed amendments to the Public Interest Disclosure (Consequential Amendments) Bill 2013. Both of them relate to the power of the Ombudsman and neither of these amendments is necessary nor desirable. As to the first, the government is of the view that the arrangements proposed in the consequential amendments bill provide the Ombudsman with sufficient power to have oversight of the public interest disclosure scheme. The Ombudsman supports this view.

The context for this needs to be understood. In the consequential amendments bill the Ombudsman is being given some additional powers in relation to the operation of the public interest disclosure scheme. The amendment that is here proposed by the member for Melbourne would, in the government's view, interfere with the appropriate demarcation of responsibility between the Ombudsman, the Public Service Commissioner and the Parliamentary Service Commissioner. A complaint to the Ombudsman about the handling of a disclosure may include a range of matters, some of which should be handled by the Ombudsman and others of which may be matters that are more appropriately handled by the Public Service Commissioner. The Ombudsman and the Public Service Commissioner already have quite detailed arrangements in place to facilitate the proper handling of matters between them consistent with the respective and different statutory powers that each of them have. What we are concerned to do here is to ensure that in giving additional powers to the Ombudsman and additional responsibilities in relation to public interest disclosure we do not
intrude or interfere with those existing arrangements, recognising always that there is this new function being conferred on the Ombudsman.

As to the second amendment, the government does not support it. It is the view of the government that it is unnecessary because any action that is taken or not taken by any agency could, we think, expect to be investigated by the Ombudsman under the Ombudsman's existing jurisdiction to investigate matters of administration either upon complaint or on the own motion powers that are already there in the existing Ombudsman's legislation.

The DEPUTY SPEAKER (Ms Grierson): The question is that the amendments be agreed to.

Question negatived.

Bill agreed to.

Ordered that this bill be reported to the House without amendment.

Sugar Research and Development Services Bill 2013
Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013
Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013
Second Reading

Cognate debate.

Debate resumed on the motion:

That this bill be now read a second time.


The sugar industry is a great example of an agricultural industry on which our country was built. Australia's sugarcane is grown in high rainfall and irrigated districts along coastal plains and river valleys on well over 2,000 kilometres of Australia's eastern coastline between Mossman in Far North Queensland and Grafton in New South Wales. Queensland accounts for about 95 per cent of Australia's raw sugar production and New South Wales for about five per cent—although the new development in the Ord is expected to bring WA into the equation.

Information from canegrowers is that there are approximately 4,400 sugar growing farms operating along Australia's eastern seaboard. While the average size of a cane farm is 100 hectares, some are in excess of 1,000. While there are still a number of smaller farms, like most farming enterprises in Australia, the average farm size is increasing each year as the number of growers contracts and the areas farmed by their grain farming businesses expand.

The Australian cane industry produces 30 million to 35 million tonnes of cane each year which, when processed, equates to around four to 4½ million tonnes of sugar. The Australian sugarcane industry is recognised worldwide for its cutting-edge technology and sustainable cane growing.
The Australian sugar industry is not just one of the world's most efficient and innovative producers and exporters of sugar; it is also the leader in the adoption of sustainable farming practices. In continuing the industry's fine tradition of progressive research and development, the industry has been very proactive and engaged in a formal review and reform of sugar research, development and extension for some 2½ years, dedicating significant industry time, money and energy.

The industry commissioned Port Jackson Partners to conduct an initial review and then appointed Frontiers Insight to consult broadly and develop an implementation plan for reform. More than 100 written submissions were received for the initial report and more than 200 meetings across industry have been conducted since August 2010, including a public roadshow in early 2012 that saw more than 1,000 growers come to an agreement for a proposal. The proposal involved moving from three separate industry-backed research bodies to a single company, combining assets and activities of the Sugar Research and Development Corporation, BSES and Aspects of Sugar Research Ltd. The government drafted legislation and regulations necessary to recognise the new industry-owned company, Sugar Research Australia, as the industry services body funded by a statutory levy of 70c per tonne of sugar cane, paid equally by growers and by the mills. The levy will replace the existing SRDC levy of 14c per tonne, BSES service fee of 55c per tonne and research elements of SRL activity estimated at 5c per tonne.

All levy-paying businesses have the opportunity to vote on the new arrangements, including on the increase in the levy. In August 2012 the Australian Electoral Commission, on behalf of the Australian Sugar Industry Alliance, polled all 4,441 eligible sugar cane growers, with 3,373 valid votes cast. It was as near to three quarters, or 75 per cent, as you are likely to get. Eighty-four-point-three per cent of these votes supported the proposal. This represents 64 per cent of all cane growers, whether they voted or not. Seven million of eight million companies representing 99 per cent of cane processed in 2011 also supported the proposal, including the Australian-owned mills.

I will read a short quote from a letter from the CEO of the Australian-owned Mackay Sugar: 'You are well aware of the significant efforts of the Australian sugar industry to reform our research sector over the past three years. I am also aware you have been sent information detailing the comprehensive consultation communication and democratic efforts the industry has undertaken to get to this unprecedented level of industry support and commitment. As one of three remaining Australian-owned and predominantly grower-controlled sugar mills in Australia, Mackay Sugar sees this reform as absolutely essential, particularly in light of changing mill ownership and structures.'

The legislation was then introduced, and included the Sugar Research and Development Services Bill 2013, the Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013, and the Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013. It provided the mechanism to implement key elements of reforms to sugar research and development—in other words, R&D—arrangements. Under the reforms the Sugar Research and Development Corporation and BSES Ltd will be wound up and their assets and R&D functions, along with the research coordination activities of SRL, transferred to the industry-owned company, Sugar Research Australia Ltd.
SRA is a company limited by a guarantee operating under the Corporations Act 2001. Operating one industry research body should deliver increased R&D efficiencies. The new company should, therefore, have the capacity to better integrate and avoid duplication of R&D activities across the sugar industry supply chain, leading to a wider range of research opportunities and increased industry and public good benefits. The industry-owned company will be funded by a statutory levy of 70c per tonne of sugar cane, processed or sold for processing, to be paid 35c per tonne each by growing into new businesses. The new levy will replace the existing sugar R&D statutory levy of 14c per tonne and incorporating existing voluntary contributions that fund the industry-owned BSES Ltd. All persons who pay the statutory levy will be eligible to register for membership and then be eligible for voting rights in the company.

The legislation is not without controversy and highlights the fact that Labor left this too late to deliver on the most basic reforms sought by industry and supported by a majority vote. The government introduced two bills on 5 June and, due to its habit of leaving things to the last minute, it has had to introduce another bill on 18 June to fix up problems with one of the original bills. The last bill was required to separate the taxation and non-taxation elements of the original consequential amendments bill as required by the Constitution. It is not the nature of the mistake that is the issue, although it does seem to be significant. It is a patch-up job, and the expectation is that everything else will just blindly fall into line without trying to evaluate the amendment arrangements in the hope that there will be no more problems to come.

There is a minor point also that again highlights the lack of attention to detail: the definition of a season in the Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013 is ‘from 1 March to 28 February the following year’. I have never claimed to be Einstein but it is obvious even to me that every four years there will be a day that is not covered by the definition of a season—29 February each leap year. So if a cane processing establishment wanted to use some creative accounting, it may be able to avoid paying the levy. This may be unlikely but the point is: why leave a gap in the definition of a season and invite trouble?

There is a very short time frame for the legislation to take effect—1 July 2013, which is just 12 days from now—which is far from ideal and highlights a lack of basic government process. The Gillard government is caught up in bickering and infighting instead of running the country. However, amendments include changes to the Primary Industries (Excise) Levies Act 1999, the Primary Industries Levies and Charges Collection Act 1991, the Primary Industries (Excise) Levies Regulations 1999, the Sugar Research and Development Corporation Regulations 1990 and the Primary Industries Levies And Charges Collection Regulations 1991. The amendments made by the companion bills will start taking effect from 1 July 2013 so that industry will be provided with certainty about the imposition of the levy and when the increase to the levy rate will come into effect.

The R&D activities of the SRDC and 75 per cent of its assets will be transferred to the industry services body on the date it is declared as such. The remaining assets will be held by the SRDC to cover wind-up costs until it is abolished on 30 September 2013, and any remaining SRDC assets and liabilities will be transferred to the industry services body on 1 October 2013. While most of the industry supports this, those who oppose it are strongly
opposed to it. The fairest thing would have been to allow time for a Senate inquiry to examine the individual concerns. I do not believe it would have changed where we are at, but I do believe they should have had the opportunity to do that.

In the interests of certainty and in recognition of the long process it has taken to get to where we are today, we have taken the responsible position of supporting this bill. I have spoken with all the MPs and senators with interests in sugar growing areas and, while there were some concerns from their constituents, most were very supportive of the reforms. The Australian sugar industry alliance, the ASA, representing 80 per cent of growers and 99 per cent of rural sugar milling production, has led the reform and obviously supports it. Canegrowers represent around 80 per cent of the canegrowers in New South Wales and Queensland, with 19 offices, and they strongly support these reforms.

Given the short time frame, we then tested how the peak body view was represented regionally by speaking with Rocky Point Canegrowers, Mackay Canegrowers and Childers Canegrowers, who confirmed their support for the peak body's position. A number of small organisations such as Pioneer Canegrowers Organisation, which represents 100 larger growers, and Kalagro Canegrowers Organisation, which represents approximately 180 sugar cane growers within the Burdekin region, were also contacted. They confirmed that they support the reforms but have some concerns. They are concerned that the consultation process and the new organisation will not seek views from smaller organisations. They are concerned that having the levy collector and researcher contained in the one body will be a conflict of interest. They are concerned that foreign ownership of the mills and influence on the organisation and marketing may not be in growers' interests. They are concerned about the ongoing obligation for millers to contribute, as they have only committed to five years. There is concern that sugar research will be too focused on sugar production and will not commit enough funds to diversification and the co-benefits of cropping arrangements, and because of this it does nothing to address the long-term viability of farmers and only addresses the short-to mid-term perceptions of millers. Amalgamation of research bodies is supported but the loss of regional research stations such as Bundaberg raises concerns.

Australian Cane Farmers Association, which I understand represents about five per cent of the industry, have similar concerns as the above groups, but their level of concern is greater, and they do not support the reform model. They support the retention of the BSES and SRDC. While their concerns are legitimate ones it appears that many of their concerns can be dealt with in the funding agreement and with appropriate consultation. So it is important that these groups are appropriately represented in the consultation plan, as it is appropriate for all industry-levy payers to be consulted on the operation of the company and to contribute to its priority-setting process. The growers did reiterate to me that they were concerned about the priority-setting process.

We will be monitoring this process closely to ensure that it reflects the views of the whole industry. We take the process of government very seriously. This is a sensible reform, supported by the majority of industry. There does seem to be legitimate concerns, and a good government would have given us time to properly address them. But we have to make the best of it. In the far-less-than-perfect time frame we have had, we have taken a very close look at this bill and, on balance, have decided that it is definitely in the best interests of the sugar industry, and the coalition will support it.
Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (16:36): I rise today to speak on the Sugar Research and Development Services Bill and cognate bills. The electorate of Hinkler encompasses the Bundaberg and Isis cane-growing districts so I speak on these three bills with much interest and with much focus on the industry. As has already been mentioned, the Australian sugar industry comprises more than 4,000 sugar farmers across Queensland and northern New South Wales. Until recently there were also some in Western Australia, and I understand that there is a possibility that there might be again.

Sugar is an important contributor to regional economies in these areas. In fact, I think the sugar towns of northern New South Wales and the Queensland coast are model communities on which other industries like the mining industry have now been based. Why? Because there was a great engineering and scientific base for engineering firms to rise up in those areas.

At each crushing season in Queensland, around 1,200 mechanical cane harvesters cut approximately 33 million tonnes of cane. They cut that off 440,000 hectares. Cane is delivered either by cane railway—that is the two-foot gauge rail—or by road, to 23 sugar mills. In my electorate, sugar is crushed at three mills—Milliquin, Bingera and Isis Central Mill. Bundaberg Sugar, which controls Milliquin and Bingera, is a grower, miller, refiner and marketer of sugar and related products in Australia—for example, molasses is sold to the cattle industry. It also runs the Bundaberg foundry, which plays a very important part in the sugar industry, not only in Australia but internationally. Bundaberg Walkers Engineering manufactures the crushing rollers that are used in many parts of the world, especially in Asia. Bundaberg Sugar is the largest canegrower in Australia, and owns more than 11,000 hectares of cane, which produces half a million tonnes of cane every year. Isis Central Mill crushes cane from Childers and Gin Gin and parts of the Wallaville district, and also from the fringes of the Bundaberg region.

The Australian sugar industry produces, on average, between 33 million tonnes and 38 million tonnes of cane per season, which equates to between 4½ million and 5½ million tonnes of raw sugar, with a gross value of production of between $1.5 million and $2.5 million. More than 80 per cent of this sugar is exported, making Australia the third largest raw sugar supplier in the world.

Over the years, the sugar industry has undergone many transformations and advancements. Research and development is integral to the sugar industry, and the bills before the House today concentrate on that very point. These bills will provide the mechanism for implementing key elements of reforms to sugar research and development arrangements. The process of reform began when the Australian sugar industry engaged in an informal review and reform of sugar research, development and extension over a period of 2½ years. They dedicated time, effort, money and energy to get to the point where they had fully surveyed what was at stake from the past and what might go on into the future. An initial review was conducted by Port Jackson Partners and then Frontiers Insight. They consulted broadly with industry stakeholders before developing and implementing a plan for reform. More than 100 written submissions were received for the initial report and more than 200 meetings across industry were conducted from August 2010, including a public roadshow early in 2012 which saw over 1,000 growers attend meetings to come to the final proposal.

In September last year, the industry submitted a proposal to the Australian government asking it to restructure research and development arrangements. The proposal involved
moving from three separate industry backed research bodies to a single company, combining the assets and activities of the Sugar Research and Development Corporation, of BSES and aspects of Sugar Research Limited. The government drafted legislation and regulations necessary to recognise the new industry owned company. It will be known as Sugar Research Australia Limited. It will be funded by a statutory levy of 70c per tonne of sugar cane, paid equally by the growers and the millers. In the case of Bundaberg Sugar, they will be paying both because they are both plantation owners and millers. The levy will replace the existing SRDC levy of 14c a tonne, the BSES services fee of 55c a tonne and research elements of SLR's activities, estimated to be around 5c a tonne.

The sugar industry showed strong support for these reforms. In August, Sugar Poll 2012 was conducted. The Australian Sugar Industry Alliance was the peak industry organisation involved in the poll, with cane growers representing over 80 per cent of growers and ASMC representing 98 per cent of milling capacity. The poll was conducted by the Australian Electoral Commission on behalf of the alliance, with papers sent to 4,441 eligible cane growers and 3,373 thousand valid votes cast. Eighty-four per cent of these votes supported the proposal. That represented 64 per cent of all cane growers. Seven of the eight milling companies also supported the proposal.

With that sort of support for the formation of the new body, Sugar Research Australia, it is now imperative that these bills be passed to enable the proposal to commence on 1 July and to get SRA up and running. As the shadow minister said, we cannot drag our feet any longer. The SRA board of directors has already been appointed and includes Mr Paul Wright as chair, with six directors. One of these directors is Mr Mike Gilmour, who is also an independent director of the Isis Central Sugar Mill. Congratulations go to Mike. It is pleasing to know that there will be a good spread of directors on this new board.

I must mention that, despite the majority of support for the new body, there were some similar concerns raised by a number of smaller organisations regarding the consultation process not seeking their views; the fact that the levy collector and researcher are contained in the one body and that that might create a conflict of interest; ongoing obligations for millers to contribute, as they have only committed for five years; and the concern that sugar research will be too focused on sugar production and not enough funds will be committed to diversification and the co-benefits of cropping arrangements. The amalgamation of sugar research bodies is supported but the loss of regional research stations like Bundaberg is not.

This is a matter of some concern to the people in my area. Bundaberg BSES is a very fine piece of infrastructure and it is a great disappointment to know that that one will be dropped out of the new body. I have been in contact with Dr Mike Cox and some of his staff and it is obvious that there is a great sense of depression that all those talented people are in a state of flux. So I urge the government to get this thing decided quickly and I urge the new board to move quickly so that we retain this talent. Sugar talent is rare talent. We are a leader in the world. We were the leaders in mechanical cane harvesting. I actually knew Harold and Colin Toft, from North Queensland, who were among the first inventors of mechanical harvesters, Massey Ferguson and the Mizzis.

Those people put the Australian sugar industry in a very enviable position. They have also been at the forefront of other experiments in running new forms of trickle irrigation and in trying to get six and seven returns out of sugar cane—doing all sorts of important things that
consolidate the industry and give it an edge over the sugar cane industry around the world. A lot of sugar cane is grown in countries with low labour costs, so what we do in Australia has to be done very well. Like the car industry in Melbourne, we have seen the shock of losing our cane-harvesting enterprise from Bundaberg to South America. Not that there was anything much we could do about that, because only nine per cent of mechanical harvesting was occurring in this part of the world, compared to between 60 and 70 per cent in Latin America. Nevertheless, I know what the people of Geelong and Melbourne and such places are going through at present. Having been through that with mechanical cane harvesting, we do not want to lose the scientific edge that we have with sugar cane. As I said, the Bundaberg BSES is in my electorate and I find it regrettable that that particular one is closing.

Many staff will be retained because there is a farm owned by Bundaberg Sugar which is being used for plant research. But I do make the plea that we keep the talent that is available in Bundaberg for the wider industry. It is paramount to the future of the industry. The need for continuing advancement in the development and release of new cane varieties will ensure that competitiveness of the industry remains. It drives productivity improvements and ensures the economic viability of the industry.

After speaking with the Bundaberg and Childers canegrowers' offices, it is obvious that they support the new reforms and the formation of the SRA, albeit with some sadness at the loss of the BSES facility in Bundaberg. As Wayne Stanley, from Isis canegrowers, said:

Sugar Research Australia will provide a much more efficient body to which every stakeholder will contribute. It will provide an ongoing strong program, dedicated to ensure that all facets of research and development in the sugar industry are met.

One of the core activities of the new body will be plant breeding. This is continuing in Bundaberg as part of the Southern Plant Breeding program and, as I said before, on a property owned by Bundaberg Sugar. Plant breeding provides the sugar industry with a guaranteed program that continues to provide farmers with new and improved varieties and, most importantly, those that are resistant to disease.

I grew up in Bundaberg and remember the times, two decades ago, when we had the Fiji disease, which was a wasting disease of sugar that dried out the cane stalks. In more recent times, in June 2006 we found a fungal disease called smut—a fitting name for such a disease. From June to November, it moved from Childers, south of Bundaberg, to Mackay. It was a dreadful scourge on the industry. This goes to highlight the importance of having good research. So I appeal to the government and to the new board of this organisation to be very focused on this changeover on 1 July to make sure that the new body gets off to a flying start and consolidates an industry which has been uniquely of Queensland and northern New South Wales.

Mr CHRISTENSEN (Dawson) (16:51): I rise to speak on the Sugar Research and Development Services Bill 2013, the Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013 and the Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013. These bills seek to consolidate the research and development processes of the Australian sugar industry. These bills wind up the Sugar Research and Development Corporation and also BSES Ltd. The assets of both those organisations and their research and development functions will be transferred to the industry owned Sugar Research Australia. That is a single research and
development body that will deliver greater efficiencies and better outcomes for the sugar industry, both growers and millers.

As it stands in the sugar industry today, we have a number of smaller organisations conducting research for the sugar industry. That means there is a lot of duplication in those processes. The duplication of administration alone is a vast waste of resources. By the time these smaller organisations have been set up and are fully operational, much of their funding is exhausted. This single R&D body, an industry owned research and development company, will be funded by a statutory levy of 70c per tonne of sugarcane processed or sold for processing. The levy will be paid equally by the grower and the miller. Under current arrangements, R&D bodies are funded through a statutory levy of 14c per tonne and a number of voluntary contributions, including 55c per tonne for the BSES and an estimated 5c per tonne for the research elements of Sugar Research Ltd activities. I note, though, that, as with all voluntary payments, some of those voluntary contributions do not happen. Obviously, it throws those organisations and the good work they do into jeopardy when they are unsure about the financial investment they are likely to get.

These bills put into action a proposal contained in a report conducted by the Australian sugar industry. For more than two years, more than 100 written submissions were gathered and more than 200 meetings were held right across the industry, including a public roadshow early last year that saw 1,000 growers turn up to offer their views. The resulting proposal aims to modernise the industry with a strong organisation, Sugar Research Australia, which will be able to attract and retain the best researchers and staff while also raising investment in cane farming. This single research organisation will bring together the activities of the three current sugar industry organisations—that is, the BSES, the government industry entity called the Sugar Research and Development Corporation, and aspects of the sugar-milling research agency, Sugar Research Ltd. The single entity, Sugar Research Australia, can balance the need for a secure funding base and the need for a reasonable and affordable levy to be imposed on the industry. As a result, more money will be available for research—and that is the key thing here. There will be more money available for research, more money available for different varieties and more money available for biosecurity because overheads will be reduced. Industry stakeholders, who will be the owners of Sugar Research Australia, will see their funds further leveraged with the Australian government actually matching funding for R&D every year at 0.5 per cent of the gross value of production. That is a very welcome initiative from the government.

This proposal and these bills come before us after this extensive consultation with the industry, and, as a result, the bills have extensive industry support. I am aware, though, that there are some concerns about the legislation from some sectors of the industry, notably the Australian Cane Farmers Association. And while I think there is generally a high level of support throughout my electorate, there are some organisations with concerns. They are not concerned enough to say that they do not want this to go ahead, but just some concerns about how Sugar Research Australia will operate. One of those concerns is that one-on-one extension will be abandoned, though the reality is that the extension process, which allows that one-on-one service to individual cane growers in North Queensland, is actually occurring outside of the current R&D framework, as it will carry on outside the new R&D framework.
Growers have got together and established their own networks of extension services such as those in the Mackay area—the Mackay Area Productivity Service. There are various extension providers that are mainly organic. The organic network of these extension services has popped up to fill the gap that the BSES was once involved in and has gradually pulled away from as their resources have dwindled. There is nothing in this legislation that will prevent that organic grower-controlled and local extension network from continuing on.

The proposal to move towards a single body acknowledges the need to maintain and even enhance, I suppose, that extension network. I am sure there will be linkages between Sugar Research Australia and these local extension offices. I have received a letter from the Australian Sugar Industry Alliance which outlines their view on the benefits of the move towards a single R&D body for the industry. The Sugar Industry Alliance outlined four main elements to the reforms, including a transition program to strengthen the skill set of the network of local sugar extension providers to provide one-on-one advice to cane producers. So I am reasonably certain that the issue of extension is sorted out and will be sorted out by Sugar Research Australia and there will not be a problem in the industry with that.

The other concern that I thought was of note, and it was certainly raised by the Australian Cane Farmers Association, is that there are a range of different grower organisations that fall outside the umbrella of Canegrowers, the peak body, or the Australian Sugar Alliance. That does not just apply to the Australian Cane Farmers Association. As I said, there are smaller independent organisations within my own electorate—Pioneer Cane Growers, Kalamia Cane Growers and, recently, Invicta Cane Growers. So there are a number of different organisations that feel they could be left out of discussions and consultation with the new body. I do share that concern, but I see from the legislation, particularly from the proposed constitution of Sugar Research Australia, that that body will be compelled to consult with all stakeholders, not just the Australian Sugar Alliance, although that will be one of the main consultative bodies they approach.

As the representative for Australia's largest sugar growing region, if I am here after 14 September, I will be ensuring through the different functions I have—I am a member of the House Standing Committee on Agriculture—that Sugar Research Australia actually does consult with all groups, especially those smaller groups, including the Australian Cane Farmers Association. I note the shadow agriculture minister has said that he also sees that as a legitimate concern, but he believes that it can dealt with in the funding arrangements between the Commonwealth and Sugar Research Australia. I impress that upon the parliament secretary, who is present, to ensure that that consultation is right across the industry when they are doing the funding arrangements with Sugar Research Australia.

The Liberal-National coalition has conducted extensive consultation with industry to establish a firm position on this proposal. That is because we act in the best interests of the industry, the individuals in the industry and all of the stakeholders. That high level of consultation will continue. Through that extensive consultation with us it has become quite evident that these bills have widespread support within the industry. Canegrowers CEO Steve Greenwood, in supporting the move to a single R&D body, said this: 'Growers in the industry have had their say and it's clear that there is very strong support for the proposed new body, Sugar Research Australia. A robust, stable and well-funded research and development system is essential to the Australian sugar industry's competitiveness on the global stage.'
Likewise, BSES supported the move, with a reassurance that the best outcome for the industry and for the BSES would be the migration to a single body. Their chairman, Paul Wright, said in July last year:

All BSES directors support these important changes and want to see the Sugar Poll vote succeed. The Industry is working together to establish Sugar Research Australia, backed by a stable statutory levy at reasonable levels for growers and millers in order to sustain vital research. This is the best direction for the industry, and for transition of BSES the company, its research activities and its 145 staff and associated casual workforce.

There was a sugar poll, which Mr Wright made a comment on in the above quote. It was an industry-wide poll. It was administered by the Australian Electoral Commission in August last year. Of the 76 per cent of the industry that voted in that poll, 84 per cent voted in favour of creating Sugar Research Australia, the model as proposed by the Australian Sugar Industry Alliance. Prior to the start of voting in the sugar poll, a collection of industry leaders submitted messages of support for the yes case. I note that Mackay grower and then local Canegrowers chairman and the vice chairman of the Canegrowers organisation, Paul Schembri, who most recently was elected the new chairman of Queensland Canegrowers, said that we must take this opportunity for change. That is how growers are seeing it.

Mackay grower and the new Mackay Canegrowers chairman Lawrence Bugeja: 'One new industry company with a compulsory levy will be efficient. You won't be subsidising non-payers.' That is an important point. Actually, I have that wrong: Lawrence Bugeja is the vice-chairman of Mackay Canegrowers; Kevin Borg is the chairman. He is a Plane Creek grower in your electorate, Madam Deputy Speaker. He said, 'I'm voting yes to form Sugar Research Australia as a high performance, energised and industry owned company with secure funding.'

Mr Borg, in his new role as the Mackay Canegrowers chairman, wrote to me outlining the support that Canegrowers had for these bills and also a preferred timetable for the bills to be passed. In his letter, Mr Borg said 'Industry has prepared all the ground for start-up and a new board of directors to be in a position to commence the vital work once the legislation has been passed through both houses of parliament.' He went on to say, 'We're hopeful that the legislation can be introduced to and passed in the House by 6 June. We are hopeful that the legislation can be introduced to and passed in the Senate in the period from 17 June to 27 June.' Mr Borg and others in the industry have voiced their concerns about the urgency of the legislation. They have wanted the bill to come before this place for a long time.

Knowing that the government will soon go into caretaker mode and parliament will cease within a week, the industry has become anxious about the bills' speedy passage through the parliament. It is vitally important that these bills are voted upon and go through the Senate before its rising. It is a bit of a shame that the bills have been only been brought before the House at the last minute. Given that there is support for them from both sides of the chamber, this is something that should have been done a while ago. If it is not done by the end of this parliamentary sitting, there are going to be sugar research and development staff left in limbo. I know that there are people in the Mackay BSES who are desperately worried because the BSES is dying financially. It simply does not have enough funding to keep going. Talented staff with experience and expertise and much to offer the industry feel that there is no future for them or for staff of other smaller organisations. Some of the best and the brightest minds that we have within the sugar industry are right now weighing up options because they do not
have certainty. We in this place must act now in the interests of the sugar industry. I believe that the bills have broad support in this place and I urge the government to grant swift passage of this legislation to give those best and brightest research minds the certainty that they need.

Since I am the last speaker on this—other than the parliamentary secretary's summing up—I would suggest it might be a good time for the parliamentary secretary to put to the Manager of Government Business that we get this voted on this week, and I hope that can happen within the remaining sitting period.

Without the certainty or prospect of a stable funding foundation for the industry collected under one roof, you will find that many of those are indeed people who will vote with their feet if this is left until after the election. They will move overseas. They will take up research jobs with our competitor countries, and that will be a serious blow for the industry. If this is not passed—and passed expeditiously—the sugar industry will lose those key people overseas, which will place Australian exporters at a disadvantage and will create an advantage for our competitors. So I do urge the parliamentary secretary to impress upon his government colleagues to get this voted on as soon as possible in this place.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (17:05): I do thank the members for Calare, Hinkler and Dawson for their support of the local and national sugar industry. I certainly take on board the viewpoints that they have represented so very well, particularly by the member for Dawson. I note that the member for Calare, an opposition spokesperson for agriculture, noted the comment from the Mackay sugar-mill owner who said it is absolutely essential that we pass the legislation. The member for Dawson reinforced that. The government is certainly reinforcing that. We do take on board the comments made by the members for Calare and Dawson about the need for genuine consultation, particularly taking into account priorities in the funding agreement and the priority-setting processes. We take that on board and certainly hope the new authority takes it on board as well. Thank you for your contribution and positive response to this.

In summing up, I would reinforce the fact that research and development play a critical role in ensuring our agricultural food and fibre industries are able to achieve productivity gains and be competitive, particularly in the international market. That is absolutely essential for sugar, which is very much a heavily export-oriented industry. On 22 September last year the Australian Sugar Industry Alliance came to the Australian government, after extensive consultation with the industry, asking it to restructure research and redevelopment arrangements for the sugar industry. Under the reforms, the Sugar Research and Development Corporation and BSES Limited will be wound up and their assets and R&D functions, along with the research coordination activities of Sugar Research Limited, transferred to the industry-owned company Sugar Research Australia Limited.

The proposal demonstrated strong support from industry through a poll of all levy-paying businesses and that has been absolutely reinforced by those members opposite who have spoken. The government assessed the proposal in detail and worked closely with the industry to ensure the Board of Sugar Research Australia Limited can operate independently and that the rights of levy-paying members are indeed protected. On balance, the government considers that this proposal represents the best mechanism for long-term delivery of research and development to the sugar industry.
The bills before you today, the Sugar Research and Development Services Bill 2013, the Sugar Research and Development Services (Consequential Amendments Excise) Bill 2013 and the Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013, provide the mechanism to implement key elements of these reforms. Operating one industry research body, as members opposite have clearly supported, should deliver increased efficiencies. The new company should have the capacity to better integrate and avoid duplication of research and development activities across the sugar industry's supply chain, leading to a wider range of research opportunities and increased industry and public-good benefits.

Incorporating the existing sugar statutory levy and voluntary contributions under a new statutory levy will eliminate what we call free-rider problems, as all industry members that benefit from research and development services provided by Sugar Research Australia Limited will now contribute the same amount to their operations through the new statutory levy. The change should therefore create a stronger national research and development capability and provide certainty to growers and millers about their liabilities and the amount of funding that will be available for research and development to the industry.

Passage of these bills will implement arrangements that will underpin a strong and efficient research and development program that will help drive productivity and profitability in the Australian sugar industry and help to ensure its continued success. It will also generate significant flow-on effects to the broader community and to the economy in terms of regional development, exports and, most importantly, employment opportunities. I commend the bills to the House.

Question agreed to.

Bill read a second time.

Message from the Administrator recommending appropriation announced.

Ordered that this bill be reported to the House without amendment.

Sugar Research and Development Services (Consequential Amendments and Transitional Provisions) Bill 2013

Second Reading

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

Question agreed to.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (17:11): by leave—I present a supplementary explanatory memorandum to the bill and move government amendments (1) to (4) as circulated together:

(1) Schedule 1, page 3 (line 3), omit the heading.
(2) Schedule 1, items 1 to 12, page 3 (line 4) to page 5 (line 8), omit the items.
(3) Schedule 1, page 5 (line 9), omit the heading.
(4) Schedule 1, items 13 and 14, page 5 (lines 10 to 13), omit the items.

FEDERATION CHAMBER
Question agreed to.
Bill, as amended, agreed to.
Ordered that this bill be reported to the House with amendments.

Sugar Research and Development Services (Consequential Amendments—Excise) Bill 2013
Second Reading

Debate resumed on the motion:
That this bill be now read a second time.
Question agreed to.
Bill read a second time.
Ordered that this bill be reported to the House without amendment.

Federation chamber adjourned 17:14