COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES

House of Representatives

Official Hansard

No. 11, 2012
Thursday, 16 August 2012

FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

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SITTING DAYS—2012

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FORTY-THIRD PARLIAMENT
FIRST SESSION—SEVENTH PERIOD

Her Excellency Ms Quentin Bryce, Companion of the Order of Australia

House of Representatives Office holders

Speaker—Hon. Peter Neil Slipper MP
Deputy Speaker—Ms Anna Elizabeth Burke MP
Second Deputy Speaker—Hon. Bruce Craig Scott MP

Members of the Speaker’s Panel—Hon. Dick Godfrey Harry Adams MP,
Mrs Yvette Maree D’Ath MP, Mr Steven Georganas MP, Ms Sharon Joy Grierson MP,
Dr Andrew Keith Leigh MP, Ms Kirsten Fiona Livermore MP,
Mr Geoffrey Raymond Lyons MP, Mr Robert George Mitchell MP, Mr John Paul Murphy MP,
Mr Robert James Murray Oakeshott MP, Ms Deborah Mary O’Neill MP,
Ms Amanda Louise Rishworth MP, Mr Michael Stuart Symon MP,
Mr Kelvin John Thomson MP, Ms Maria Vamvakou MP,
Mr Anthony Harold Curties Windsor MP

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

Party Leaders and Whips

Australian Labor Party

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

Liberal Party of Australia

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

The Nationals

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

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# Members of the House of Representatives

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## Members of the House of Representatives

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<tr>
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<td>Washer, Malcolm James</td>
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<td>Wilkie, Andrew Damien</td>
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<td>Windsor, Anthony Harold Curties</td>
<td>New England, NSW</td>
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<td>Wyatt, Kenneth George</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
## GILLARD MINISTRY

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<tr>
<td>Prime Minister</td>
<td>The Hon Julia Gillard MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Digital Productivity</td>
<td>Senator the Hon Stephen Conroy</td>
</tr>
<tr>
<td>Minister for Social Inclusion</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>Minister for the Public Service and Integrity</td>
<td>The Hon Gary Gray AO MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on the Centenary of ANZAC</td>
<td>The Hon Warren Snowdon MP</td>
</tr>
<tr>
<td>Cabinet Secretary</td>
<td>The Hon Mark Dreyfus QC MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Prime Minister</td>
<td>Senator the Hon Jan McLucas</td>
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<tr>
<td>Treasurer</td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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<tr>
<td>Minister for Financial Services and Superannuation</td>
<td>The Hon Bill Shorten MP</td>
</tr>
<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td>Minister for Tertiary Education, Skills, Science and Research</td>
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<tr>
<td>Minister for Industry and Innovation</td>
<td>The Hon Greg Combet AM MP</td>
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<td>Minister for Small Business</td>
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<tr>
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<td>The Hon Sharon Bird MP</td>
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<tr>
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<tr>
<td>Minister for Regional Australia, Regional Development and Local Government</td>
<td>The Hon Simon Crean MP</td>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<tr>
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<td>Minister for Employment Participation</td>
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<tr>
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<tr>
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<td>The Hon Mark Dreyfus QC MP</td>
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<td>Minister for Indigenous Health</td>
<td>The Hon Warren Snowden MP</td>
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<tr>
<td>Parliamentary Secretary for Health and Ageing</td>
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<tr>
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<td>The Hon Tony Abbott MP</td>
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<tr>
<td>Shadow Parliamentary Secretary Assisting the Leader of the Opposition</td>
<td>Senator Cory Bernardi</td>
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<tr>
<td><strong>Shadow Minister for Foreign Affairs</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td>(Deputy Leader of the Opposition)</td>
<td>The Hon Julie Bishop MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for International Development</strong></td>
<td>The Hon Teresa Gambaro MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
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<tr>
<td>(Leader of The Nationals)</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Parliamentary Secretary for Roads and Regional Transport</strong></td>
<td>The Hon Warren Truss 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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<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>Shadow Minister for Employment Participation</td>
<td>The Hon Sussan Ley MP</td>
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<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td>Senator the Hon George Brandis SC</td>
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<tr>
<td>Shadow Minister for Justice, Customs and Border Protection</td>
<td>Mr Michael Keenan MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary to the Shadow Attorney-General</strong></td>
<td>Senator Gary Humphries</td>
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<td><strong>Shadow Treasurer</strong></td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
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<td>Title</td>
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<tr>
<td>Shadow Parliamentary Secretary for Local Government</td>
<td>Mr Don Randall MP</td>
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<tr>
<td>Shadow Minister for Finance, Deregulation and Debt Reduction</td>
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<tr>
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<tr>
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<td>The Hon Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Minister for COAG (Chairman, Scrutiny of Government Waste Committee)</td>
<td>Senator Marise Payne (Mr Jamie Briggs MP)</td>
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<tr>
<td>Shadow Minister for Energy and Resources</td>
<td>The Hon Ian Macfarlane MP</td>
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<tr>
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<td>Shadow Minister for Veterans' Affairs and Shadow Minister</td>
<td>Senator the Hon Michael Ronaldson</td>
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<td>Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
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<tr>
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<td>Shadow Minister for Mental Health</td>
<td>Senator Concetta Fierravanti-Wells</td>
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<tr>
<td>Shadow Parliamentary Secretary for Primary Healthcare</td>
<td>Dr Andrew Southcott MP</td>
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<tr>
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<td>Dr Andrew Laming MP</td>
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<tr>
<td>Shadow Minister for Families, Housing and Human Services</td>
<td>The Hon Kevin Andrews MP</td>
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<tr>
<td>Shadow Minister for Seniors</td>
<td>The Hon Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector</td>
<td>Senator Mitch Fifield</td>
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<tr>
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<td>Senator Marise Payne</td>
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<tr>
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<td>Senator Cory Bernardi</td>
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<tr>
<td>Shadow Parliamentary Secretary for the Status of Women</td>
<td>Senator Michaelia Cash</td>
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<tr>
<td>Shadow Minister for Climate Action, Environment and Heritage</td>
<td>The Hon Greg Hunt MP</td>
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<tr>
<td>Shadow Minister for Productivity and Population</td>
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<tr>
<td>Shadow Minister for Agriculture and Food Security</td>
<td>The Hon John Cobb MP</td>
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<tr>
<td>Shadow Minister for Small Business, Competition Policy and Consumer Affairs</td>
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Thursday, 16 August 2012

The DEPUTY SPEAKER (Ms AE Burke) took the chair at 09:00, made an acknowledgment of country and read prayers.

MINISTERIAL STATEMENTS

Afghanistan

Mr STEPHEN SMITH (Perth—Minister for Defence and Deputy Leader of the House) (09:01): by leave—The government is committed to providing regular reports and updates on Afghanistan, including to the parliament. This year, I have reported to the parliament on three previous occasions. In February, I provided an update to parliament on progress in Afghanistan. In May, I reported to parliament twice, once on Australia's detainee management arrangements and, on my return from Chicago, on the outcomes of the NATO/International Security Assistance Force (ISAF) Leaders' Summit, which I attended with the Prime Minister.

Since my last statement, there have been three significant developments in relation to Australia's mission in Afghanistan. On 17 July, transition formally commenced in Uruzgan province, where the majority of Australian forces are based. This follows the province's inclusion in the third tranche of provinces and districts to enter the transition process, as announced by President Karzai on 16 May.

The start of transition in Uruzgan reflects the progress made by Australia and ISAF in training and mentoring the Afghan National Security Forces (ANSF) and strengthening security and development. It is a welcome sign that transition in Uruzgan is on track for completion over the next 12 to 18 months. The commencement of transition in Uruzgan is in line with the strategy agreed by the international community at Lisbon, and reaffirmed at Chicago, namely to transition the security lead from ISAF to the Afghan National Security Forces by the end of December 2014.

On 31 May, I announced that Australia will take on the leadership role of Combined Team-Uruzgan (CT-U) later this year. Combined Team-Uruzgan was established in August 2010 under United States command following the withdrawal of the Dutch, with the role of commanding ISAF operations in Uruzgan province. The United States has had the leadership of Combined Team-Uruzgan since that time. Australia sees leadership of the Combined Team-Uruzgan as part of the transition process through which security responsibility will be transferred from ISAF to the Afghan National Security Forces.

Australia sees this as the appropriate time to take the leadership role in Uruzgan province, to help ensure that transition in Uruzgan is effected in a seamless way. The United States has committed to continuing to provide enabling support in the province, which it has done since August 2010. Assuming leadership of Combined Team-Uruzgan will not require an increase in the overall average size of Australia's presence in Uruzgan. Australia looks forward to continuing to work with our Combined Team-Uruzgan partners—the United States, Singapore and Slovakia—to progress transition in Uruzgan to the Afghan authorities.

Following the 4 August vote of no confidence by the Afghan parliament in the Afghan Defence Minister Wardak and Interior Minister, Bismullah Mohammadi Khan, Minister Wardak announced his resignation on 7 August. I congratulate Minister Wardak on his successes as defence minister. I have worked closely with him and wish him well in his new role as Senior
President Adviser to President Karzai on army reform. Deputy Defence Minister Nazari has been appointed Acting Defence Minister.

The appointment of Afghan ministers is of course a matter for the Afghan government and I am committed to working with my new Afghan counterpart when appointed to ensure the transition process in Uruzgan is effected seamlessly.

Australian casualties

Tragically, since my last Ministerial Statement, Australia has also lost another soldier in Afghanistan. Sergeant Blaine Diddams from the Special Air Service Regiment, the SAS, was killed on 2 July during a small arms engagement with insurgents. The Prime Minister, the Leader of the Opposition, the Shadow Minister for Defence Science and I all spoke on the condolence motion for Sergeant Diddams on Tuesday. I again offer my condolences to the family, friends and mates of Sergeant Diddams.

High profile attacks

Despite progress being made, Afghanistan remains a dangerous environment, as evidenced by the recent series of bombings in Nimroz and Kunduz provinces earlier this week on 14 August. Nearly 50 people were killed and more than 130 wounded as a result of these appalling attacks, with Afghan civilians the majority of victims. These attacks are aimed at achieving a propaganda effect and undermining Afghan and international confidence in the progress that is being made on transition.

Green on blue incidents

Members are only too well aware of the dangers our personnel face in Afghanistan and the potential for so called 'green on blue' incidents or 'insider attacks'. The causes are complex and range from Taliban infiltrators to real or perceived grievances affecting Afghan soldiers, policemen or locally engaged staff.

There are more numerous so-called 'green on green' incidents, involving members of the Afghan National Security Forces carrying out attacks against their fellow ANSF colleagues. There have been no 'green on blue' incidents involving ADF personnel this year, but there has been an unfortunate rise in the number of these incidents involving our international partners. Earlier this month, ISAF implemented force protection enhancements across Afghanistan as a result of an increase in these insider incidents. Australian force protection measures are robust and were already in line with these adjusted ISAF measures.

Our overall relationship with our Afghan partners is positive and productive, with its members equally horrified by such incidents as we are. We should not judge an entire organisation based on the terrible actions of a few and it is vital that we, along with our ISAF colleagues, continue to partner the ANSF closely in the field.

Detainee management update

In keeping with my commitment to provide regular updates to the Australian people on detainee management, and to be open and transparent on these matters, I now update on detainee management issues in Afghanistan. Australia approaches its responsibility for ensuring detainees are treated with dignity and respect with the utmost seriousness and is committed to conducting its detention operations in accordance with our domestic and international legal obligations.

Australia's detainee management framework for operations in Afghanistan has two priorities: first, removing insurgents from the battlefield, where they endanger Australian, ISAF and Afghan lives; and,
second, ensuring humane treatment of detainees, consistent with Australian values and our domestic and international legal obligations.

Since the introduction of Australia's detainee management framework in Afghanistan on 1 August 2010, following the Dutch withdrawal from Uruzgan, three comprehensive audits of the detainee management framework have been undertaken, with one more comprehensive audit planned for this year. The last comprehensive audit undertaken in May this year included a review of the interrogation capability, which commenced in February this year; a review of the CCTV systems at the ADF's Initial Screening Area in Tarin Kowt; and consideration of practices and processes at the point of capture. The audit found that all detention activities conducted at the ADF Initial Screening Area over the period of the audit were in full compliance with Australian policy, Australia's international and domestic legal obligations and ISAF requirements. These audits are essential to verify that a strong governance framework remains in place and that we are able to address any issues that might arise.

Monitoring

As part of our detainee management framework, Australian officials monitor the welfare of all detainees transferred from ADF custody to Afghan or US custody. This is to ensure that detainees continue to be treated humanely following transfer from Australian custody. Australia's monitoring regime includes a Detainee Monitoring Team, led by the Department of Foreign Affairs and Trade. The Detainee Monitoring Team visits each detainee shortly after transfer and approximately every four weeks after the initial visit. We continue to monitor detainees up until they are sentenced, after a criminal prosecution or released. This reflects the practice of our ISAF partners.

Between August 2010 and 11 August 2012, the monitoring team conducted 106 monitoring visits. This included 51 visits to the National Directorate of Security facility in Tarin Kowt, 16 visits to the Tarin Kowt Central Prison and 39 visits to the detention facility in Parwan. These visits are an essential mechanism to ensure detainees apprehended by the ADF are treated appropriately.

To date, our monitoring of ADF-apprehended detainees in Uruzgan and Parwan has not identified serious issues of concern that would warrant consideration of the suspension of transfers to these facilities. Separate from and in addition to the comprehensive audits of the detainee management framework, the first audit of Australia's detainee monitoring processes is currently underway. An audit team of officials from the Department of Defence and from the Department of Foreign Affairs and Trade is reviewing Australia's detainee monitoring regime in Afghanistan. The audit team will report on the adequacy of current training provided to personnel involved in detainee monitoring and on the effectiveness of current practices and procedures and will, where necessary, make recommendations on possible improvements. I will provide an update to the House on the findings of this audit in due course.

Capture/recapture

Over the period between August 2010 and 11 August this year the ADF has detained 1,653 suspected insurgents. Of these, 115 detainees have been transferred to the Afghan authorities at the National Directorate of Security in Tarin Kowt and 83 detainees have been transferred to US authorities at the detention facility in Parwan.
Between August 2010 and 11 August this year the ADF captured 12 people who were subsequently released then recaptured. Six of the individuals in question were released as there was insufficient evidence to warrant their continued detention. Of the remaining six detainees, there was sufficient evidence to warrant their transfer and prosecution. Three were subsequently transferred to US custody at the detention facility in Parwan, and three were transferred to Afghan custody at the National Directorate of Security detention facility in Uruzgan.

**Interrogation**

In February this year, I announced the deployment of trained ADF interrogators to Afghanistan to question detainees apprehended by the ADF. Interrogation expands the ADF’s ability to obtain information of operational and tactical value to help protect Australian personnel, the ANSF and the local Afghan population. Interrogation is conducted by ADF personnel who are qualified in interrogation—that is, only those personnel who have received specialised training undertake interrogation activities.

In February I also advised that the government had agreed to extend the time selected detainees could be held in Australian custody at the initial screening area, prior to their release or transfer, for the purpose of comprehensive screening. Any interrogation is undertaken during the approved period of extension for comprehensive screening. Comprehensive screening enables the ADF to determine whether a detainee has knowledge which could assist in the force protection of the ADF, ISAF and our Afghan partners.

As at 11 August this year approximately 28 per cent of detainees apprehended by the ADF while on operations in Afghanistan have undergone interrogation within the initial screening area since interrogation operations commenced in February. The length of time for which detainees can be held in the initial screening area may be extended beyond the standard 96 hours, or four days, for an additional three days, and a possible further extension of three days. Since the introduction of interrogation in February, on the advice of the Chief of Defence Force, I have authorised the extension of detention for one detainee for a further period of 20 days. That detainee was assessed as having valuable information that would directly assist the force protection of Australian, ISAF and Afghan personnel. The detainee was treated humanely and with dignity and respect at all times while in Australian custody. A review of the detention was conducted after every five-day period to ascertain a continuing requirement to detain for interrogation. The CDF and I were advised of the outcomes of each review, including the detainee's fitness for further detention. ISAF, Afghan authorities and Afghan human rights organisations were advised of the extension of detention. At the end of the further extension of detention, the detainee was transferred from ADF custody. The detainee was assessed on transfer as being in a fit and sound state.

**Incidents and allegations**

**Allegations of mistreatment**

Australia takes all allegations of detainee mistreatment seriously. I have provided regular updates on complaints and allegations of mistreatment the ADF has received since August 2010. During the period August 2010 to 11 August 2012, there have been 141 allegations of mistreatment against Australian forces. Of these, 125 relate to treatment or an incident at the point of capture. To date, 123 of these allegations have been considered and have been assessed as unsubstantiated, while 18
allegations remain under investigation. In Australia's detention operations, the term 'allegation of mistreatment' is used to describe any perceived or alleged incident involving an individual who is in Australian custody. When a detainee is brought into our initial screening area, each detainee is specifically asked if they have any complaints about their treatment. Any complaint is treated as an allegation.

This terminology does not imply any wrongdoing on the part of the ADF or its personnel but simply that a person has made a complaint or an allegation about the treatment they, or another individual, has received or witnessed during the course of their interaction with the ADF or the Afghan National Security Forces.

Every allegation of detainee mistreatment received or observed by the ADF is required to be reported through the Australian military chain of command. Once reported, such allegations are promptly assessed or investigated. This process may include taking witness statements, examining any medical evidence as well as reviewing records and CCTV footage. Allegations and the outcomes of any assessments are reported to ISAF and key human rights and humanitarian organisations.

**Treatment of detainees by ANSF**

Not only is Australia committed to holding our own personnel to the highest standards on detainee management, but, if ADF personnel become aware of concerns regarding the treatment of detainees by our ISAF or Afghan partners, this is treated with the same utmost seriousness. If a detainee consents, the specific allegation is brought to the attention of the Afghan authorities for investigation.

During the period August 2010 to 11 August this year, 46 allegations of detainee mistreatment have been made against the ANSF at the point of capture. These allegations have been referred to the ANSF for investigation.

During operations with the ANSF in Uruzgan, Australian forces promote adherence to human rights standards and other international legal obligations relevant to the treatment of detainees and the protection of the local civilian population. As part of the ADF's role in training and mentoring the ANSF, Australia provides human rights training to Afghan personnel and advises Afghan personnel on the correct procedures for handling detainees under applicable international law.

As well as the training provided by Australia to the ANSF, the ANSF in Uruzgan receives specific human rights training which covers detention operations from the Afghan Independent Human Rights Commission. The ADF also provides Afghan personnel practical advice on these issues in the field.

**Allegations of procedural misconduct**

On occasion, issues arise with respect to the implementation of our detainee operations. I now update the House on those issues.

In February 2011 I advised the House that in late January 2011 the ADF Investigative Service (ADFIS) initiated an investigation into allegations made by a Defence member that previous members of the Detention Management Team in Afghanistan, responsible for managing the ADF Initial Screening Area at Tarin Kowt, may not have complied with procedures relating to the management and administrative processing of detainees. In my last statement to the House in May, I provided an update on these allegations, noting that three members of the previous Detainee Management Team had been charged with disciplinary offences relating to falsification of service documents.
I can now advise the House that in June this year, a fourth member of the previous Detainee Management Team was also charged. I also advise the House that the first of the hearings for these disciplinary offences occurred on 27 July this year. The accused ADF member was initially charged with 'falsification of a service document' but this charge was substituted at trial with a charge of 'prejudicial conduct'. The accused entered a plea of guilty to the charge and received a 'severe reprimand'. Further hearings are expected to occur later this year.

There continue to be no allegations or evidence to suggest that any detainees were mistreated by the Detainee Management Team. As this matter is subject to continuing disciplinary proceedings, I do not propose to comment further but will provide the House a further update as appropriate when these proceedings are complete.

**Review of questioning techniques**

In May this year I advised the House that the ADF is conducting a review into aspects of the questioning techniques used during the initial screening of detainees in Afghanistan during 2010 and 2011.

During 2010 and 2011, the ADF was limited to conducting the tactical questioning, intelligence interviewing and debriefing of detainees apprehended in Afghanistan. The Chief of Defence Force has advised that a review of records from this period found potential irregularities in written reports stemming from initial questioning of detainees. This review is still underway and I will provide a further update to the House in due course. Again, none of the issues suggests any alleged physical mistreatment of detainees in the Initial Screening Area by ADF personnel.

**Civilian casualties**

Australia remains committed to transparency and providing information on civilian casualties in Afghanistan. The ADF takes the question of civilian casualties very seriously. The ADF operates under strict rules of engagement intended to minimise civilian casualties and deeply regrets any loss of innocent life.

In my 24 May statement to parliament I provided information on inquiries into four suspected civilian casualty incidents. Defence has finalised consideration of the inquiry into a possible civilian casualty incident during a partnered mentoring task force and Afghan National Army patrol in the Baluchi Valley region of Uruzgan province on 2 November 2010. Defence expects to be able to make public shortly the findings of the inquiry officer report following consultation with Afghan and ISAF partners.

The inquiries into the incident on 27 March 2011, when a small Afghan boy and an Afghan man were killed, and the incident on 29 October 2011, when Australian soldiers engaged and killed a man who approached their site at speed and failed to adhere to directions to stop, remain under consideration. I will advise the House of the outcomes of this consideration in due course.

An inquiry is also underway in relation to an incident on 1 May this year, when an Afghan boy was injured during an engagement between insurgents and Australian Special Forces and elements of the Afghan National Security Forces undertaking a partnered security operation. When complete, the inquiry will be considered, and I will advise of the outcome in due course.

Defence has acknowledged the delay in the public release of such reports of inquiries into civilian casualty incidents, and the Chief of the Defence Force (CDF) has instituted improved governance arrangements for the future management of such inquiries.
comparable to those instituted in relation to combat fatality reports.

I will continue to update the House on these issues and Afghanistan more broadly as appropriate. I table a paper in conjunction with my ministerial statement and ask leave of the House to move a motion to enable the honourable member for Fadden to speak for a period of 19 minutes.

Leave granted.

Mr STEPHEN SMITH (Perth—Minister for Defence and Deputy Leader of the House) (09:20): I move:

That so much of the standing and sessional orders be suspended as would prevent the honourable member for Fadden speaking in reply to my statement for a period not exceeding 19 minutes.

Question agreed to.

Mr ROBERT (Fadden) (09:20): I thank the minister for his update to the House and for his three previous updates this year, building on the work he did last year in keeping the House informed.

I join the minister, as we did on the first sitting of parliament this week, in acknowledging the tragic loss of Sergeant Blaine Diddams, a patrol commander with the Special Air Service Regiment who had done 10 tours of duty across Australia’s conflict zones, including seven in Afghanistan. He was, tragically, the 33rd soldier to be killed in action on combat operations in Afghanistan and the 16th SOTG soldier killed in action. Since the beginning of this year, 21 further Australian soldiers have been wounded in action, 14 from strikes from improvised explosive devices. A total of 234 Australians have been wounded in action serving their country since the start of combat operations in Afghanistan.

We will not forget them. We will not leave a stone unturned to assist them. I note that, a few weeks ago on Channel 10, Matt Moran aired a story of Private H, from the 2nd Commando Regiment, who was shot in the neck during the engagement that tragically saw the death of Sergeant Todd Langley. What was disturbing about what Channel 10 aired was that Private H was having to pay for alternative treatment to address some of his disability or, indeed, using unit trusts. This should not be. The Chief of Army has quite rightly noted that the system is not perfect and that there are some delays and perhaps too much red tape. This should not be. I simply commit this morning that the coalition will ensure that every wounded soldier is cared for and provided every support, including alternative therapies if needed. I know that the minister is a man of great compassion and will be working towards this end as well.

I note that on 24 June MTF4 handed over its mission to my battalion, the 3rd Battalion, the Royal Australian Regiment, now known as the 3RAR Task Group. I commend the commanding officer of the 3rd Battalion, a classmate of mine from the academy and from RMC Duntroon, Lieutenant Colonel Trent ‘Wobbler’ Scott. I wish him and his boys and girls—there are many women serving with the 3rd Battalion—all the very best as they seek to do their duty within a very difficult environment. It is an outstanding battalion. They performed exceptionally well during the mission rehearsal exercises. They are well prepared. They are well trained. They are well configured. They have the right gear and the right support.

They are mentoring 4,000 soldiers of the ANA 4th Brigade through numerous valleys, hills, mountains and ravines. Be under no doubt: this is a tough gig. They fight a tough and resilient enemy. They are training the Afghan 4th Brigade from a base that is good, thanks to the great work that the previous battalions at MTF have done. It is still a difficult task.
Recently, members of this House from both sides came back from the Australian Defence Force parliamentary program. Some in Afghanistan spoke very highly, not only of our command elements but of our men and women and the work they were doing—high praise indeed from a bipartisan group that went over to Afghanistan.

I note the minister’s comments on 17 July: Uruzgan province has started the third tranche of handing over. Command of the CT-U is now with an Australian command element, noting significant US logistics are still in place. That transition is all in line with the Lisbon and Chicago summits and has been agreed with the Afghan government.

I note the minister’s comments on 17 July: Uruzgan province has started the third tranche of handing over. Command of the CT-U is now with an Australian command element, noting significant US logistics are still in place. That transition is all in line with the Lisbon and Chicago summits and has been agreed with the Afghan government.

I note the CDF’s recent comments that that most ADF personnel will probably be out of Afghanistan by Christmas 2013, in line with the minister’s statement that drawdown from 12 to 18 months will be predominantly complete for most of our force. I again posit the coalition’s contention—it has been consistent for the last two years—that this should be, and it has been stated by the government that this will be, a metrics based, commander’s judgment-led drawdown. We will come home—we should come home—when the training work is done. I am pleased that from 1 July this year the 205th Hero Corps, of which the 4th ANA brigade is part, assumed lead command for security operations in Regional Command South, which includes four southern provinces, Uruzgan among them.

I note that the post-transition work is still being done. Again, the coalition agrees with the minister that a kinetic element based on the SOTG will remain. We contend again that Australian forces—I believe the minister has made this statement previously—will join our US colleagues for what they call ‘Sandhurst in the sand,’ and what I call ‘Duntroon in the desert’. I still contend that we should let our gunners continue to train in the school of gunnery. Gunners like doing that and they do it well.

Clearly, as we are now 12 months out from an election and 18 months out from transition, the minister will need more and more information as the time gets closer as to how the transitions will look and how it will be done in reality. I thank the minister for his update on detainee management. I thank him for the work that the detainee monitoring team has been doing—106 visits since August 2010 well assures us that the issue of detainee management is being well monitored and well supervised.

I note the minister’s statement that in the last two years 1,653 suspected insurgents have been detained. That is a reasonably large number considering the logistic challenges of, post-capture, detaining someone and bringing them back for tactical questioning and interrogation if needed. I thank the minister, as I have previously, for moving our detention, in line with ISAF partners, to 10 days. I also commend the minister on taking action to extend the detention in one case by a further 20 days. As a former military interrogator I understand the challenges of interrogating. The Afghan soldiers are tough men. It was a good decision to extend the time period out to 20 days. It was a difficult decision. I am sure it would have been the right decision.

I note that our enemy continues to use our open and fair processes against us, with 141 allegations of mistreatment in the last two years—90 per cent complaining about treatment at the point of capture. I remind the House that, at the point of capture, taking a suspected insurgent who does not want to be taken involves a modicum of force! It is not surprising that our enemy would complain about that modicum of force being used to
detain them, when that is not what they want. I note that no findings have been substantiated and that every issue of complaint has been investigated. I can only conclude, using the language of the Australian outback, that our enemy at times are 'a pack of whingers'. I note that we have seen what the enemy do to ISAF soldiers: when they capture ISAF soldiers they are brutally tortured and killed. That does not stop us from being fair minded, open, democratic and accountable. The minister has certainly shown that to be the case, to the government's and ISAF's credit.

Minister, I note that it is still taking an inordinate amount of time to investigate tragic killed-in-actions in theatre. The green on blue incident of 29 October has still not been finalised. I note that the US routinely does this in 60 days. Previously, the minister has said that he would expedite this through extra resources. Minister, it would appear, with this incident still being seven, eight or nine months from being completed, that those resourced are not yielding the result that the parliament would like to see.

I think it is fair to say that these investigations need to happen more quickly. If the US can conclude them in 60 days there is no reason why Australia should still be taking nine months. Minister, I also note that the government has 10 sitting days for the Minister for Defence Personnel to respond to my disallowance motion in the House seeking to disallow the cutting of single leave entitlement travel for single members—22,000 single soldiers, sailors and airmen and airwomen.

Indeed, the disallowance stops on Monday, 17 September. It is important to state the coalition will not allow the pay, travel or leave entitlements of our soldiers, sailors and airmen and airwomen to be cut in search of a vain surplus. We have seen the impact of pride in terms of the disaster on our borders. We will not allow that to permeate into our ADF, resulting in the loss of entitlements.

So, Minister, I say to you respectfully: please instruct your Minister for Defence Science and Personnel to schedule a vote on the floor of the House on the cuts to single travel leave entitlements on or by 17 September. We cannot hide behind the CDF's coat-tails on this issue. It is time to vote. Frankly, I am keen to see how the member for Eden-Monaro will vote. He is a man I have great respect for, sitting at the front bench across from me. I want to see how he will vote when it comes to the leave entitlement for single men and women—of whom I believe you have a lot, Sir, in your electorate. I am keen to see how the member for Canberra will vote, considering she has much of the Defence establishment in Canberra. I am very keen to see how the member for Wakefield will vote, considering he has the base at Edinburgh—on or before, Minister, 17 September.

Minister, it will come as no surprise that today I will be moving an amendment to the veterans bill to seek to stop any further debate until DFRDB has been fairly indexed. I have been reliably told, Member for Eden-Monaro, and I am happy to be corrected, Parliamentary Secretary, that you told a veterans forum recently that you may be looking to introduce a private member's bill to index DFRDB pensions CSS and PSS. If that is not the case, the coalition will provide leave as soon as I finish speaking to allow you to correct the record. If it is the case, I say to the member for Eden-Monaro: bring on the private member's bill now—or, more importantly, support the coalition as we seek to stop debate on the minor amendments to the veterans bill coming before the House and support us as we seek to index DFRDB. Either way, the choice is yours. Respond to my contention here. The coalition will
provide leave—I am looking at the Manager for Opposition Business—for the member for Eden-Monaro to point out that I am wrong, that he is not intending to bring it in, or to support the coalition. Sir, the choice this morning is yours.

Minister, thank you again for providing an opportunity to update the House on Afghanistan. You have been true to your word in terms of keeping the House informed. We look forward to further updates, especially now we are 12 months from an election and 18 months from the full drawdown. We look forward to further advice and information as to how the drawdown will continue.

BUSINESS
Orders of the Day
Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:32): I move:

That the following Federation Chamber orders of the day, private Members' business, be returned to the House for further consideration:

No. 9—Accountability and transparency of unions;
No. 10—Strong Australian economy;
No. 15—Autism Spectrum Disorder;
No. 6—School and work; and
No. 3—Business Assistance Payments and the live cattle export ban.

Question agreed to.

Rearrangement
Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:33): by leave—I move:

That so much of the standing and sessional orders be suspended as would prevent the following items of private Members' business being called on and considered immediately in the following order:

Australian standard for olive oil—Order of the day No. 27;

Autism Spectrum Disorder—Order of the day;
Army Reserve bands—Order of the day No. 26;
International Year of Cooperatives—Order of the day No. 29;
Chinese-Australians—Order of the day No. 31;
School and work—Order of the day;
Motorcycle safety—Order of the day No. 21;
International aviation and emissions trading—Order of the day No. 23;
Accountability and transparency of unions—Order of the day;
Small-scale Renewable Energy Scheme—Order of the day No. 22;
Business Assistance Payments and the live cattle export ban—Order of the day; and
Strong Australian economy—Order of the day.

Question agreed to.

PRIVATE MEMBERS' BUSINESS
Australian Standard for Olive Oil

Debate resumed on the motion:

That this House:

(1) welcomes the introduction of the Australian Standard for Olive and Olive-Pomace Oils in 2011 which clearly defines the grade, content and quality of olive oil products and establishes labelling and packaging requirements;

(2) notes the findings of an analysis conducted recently by the Australian Olive Association which revealed that a significant number of imported olive oils in particular, still fail to comply with this national standard;

(3) recognises that misleading labelling practices present considerable challenges for the commercial viability of our domestic olive oil industry, lead to low levels of consumer confidence in olive oil products and prevent consumers from making informed choices about the products they consume, and which may have adverse consequences, including on their health;

(4) welcomes the news that some retailers intend to phase in the voluntary national standard in light of the recent findings, and calls on these...
retailers to do so in a timely and rigorous manner; and

(5) urges all retailers in Australia to adopt and enforce the Australian Standard for Olive and Olive-Pomace Oils so that consumers can make informed purchasing choices, and so that producers of accurately labelled olive oils benefit from a level playing field.

Question agreed to.

**Autism Spectrum Disorder**

Debate resumed on the motion:

That this House:

(1) notes that:

(a) Autism Spectrum Disorder diagnoses are on the rise, with the latest estimates of approximately 1 in 100 children diagnosed; and

(b) families caring for a family member with an Autism Spectrum Disorder need greater support and community understanding;

(2) acknowledges the need for a National Autism Plan, including a forum, to discuss how best to deliver support to families caring for a family member with an Autism Spectrum Disorder;

(3) notes that:

(a) an Autism Spectrum Disorder is one of numerous disability categories which should be addressed as part of a National Disability Insurance Scheme; and

(b) 2 April 2012 was World Autism Awareness Day and that the Coalition and Autism Victoria were working to ensure Parliament House would be lit up in blue to acknowledge World Autism Awareness Day.

**Army Reserve Bands**

Debate resumed on the motion:

That this House:

(1) recognises that:

(a) the band of the Royal New South Wales Lancers, based in Parramatta, makes a significant contribution to the local community;

(b) similar Army Reserve Bands across Australia make significant contributions to their local communities;

(c) these bands provide a key link between communities and the Australian Defence Force in this time of high operational tempo;

(d) the recent Government decision, as part of the Strategic Reform Program, to remove financial support for these bands places the onus for support on regimental associations; and

(e) such associations consist largely of retired veterans without the financial resources to provide such support; and

(2) calls upon the Government to continue support for Army Reserve Bands, thus ensuring these key links with the local community are not lost.

Question agreed to.

**International Year of Cooperatives**

Debate resumed on the motion:

That this House:

(1) notes that:
(a) 2012 is the International Year of Cooperatives;
(b) there are two million more cooperative members in Australia than retail share investors;
(c) cooperatives create diversity in the Australian economy;
(d) cooperatives play an important role in delivering services to regional and rural communities; and
(e) some Australian Government industry assistance is not available to enterprises with a cooperative structure; and

(2) calls on the Government to:
(1) support the role of cooperatives in Australian communities; and
(2) continue working with the States and Territories to implement nationally consistent laws governing the operation of cooperatives.

Question agreed to.

Chinese Australians

Debate resumed on the motion:
That this House recognises the:
(1) strong history of Chinese migration to Australia over the past 200 years;
(2) significant contribution that Chinese-Australians have made over this period to our nation;
(3) vibrant festivities and events hosted by the Bennelong Chinese community and enjoyed by people of many cultures; and
(4) unique opportunity for the local Chinese, Korean and broader communities to come together at the Bennelong Cup Table Tennis Test Match for an international table tennis competition against Australia.

Question agreed to.

Workplace Relations

Debate resumed on the motion:
That this House:
(1) recognises the decision handed down by the Federal Court of Australia upholding Fair Work Australia's decision to allow students covered by the retail award to have a minimum engagement period of 1.5 hours, which will allow students to work after school to gain independence, important workforce skills and the experience of work while still at school; and
(2) commends young aspirational Australians who will be able to start in the workforce as a result of this decision.

Question agreed to.

Motorcycle Safety

Debate resumed on the motion:
That this House:
(1) notes that:
(a) motorcycling is an environmentally friendly and fuel efficient mode of transport which is rapidly increasing in popularity in Australia;
(b) motorcyclists make up about 1 per cent of traffic but account for 16 per cent of deaths in road accidents;
(c) most motorcycle casualties involve speed and hitting a fixed object; and
(d) motorcycle groups are concerned about the safety implications of the design and location of wire rope barriers; and
(2) calls on the Government to work with the States and Territories to ensure motorcyclist safety assumes increased importance in road design.

Question agreed to.

International Aviation and Emissions Trading

Debate resumed on the motion:
That this House:
(1) notes that:
(a) international civil aviation has been included in the European Union Emissions Trading System (ETS) with effect from 1 January 2012;
(b) in September 2011, 23 countries signed a declaration opposing the European Union's plan to include all flights by non-European Union carriers to and from the European Union in its ETS;
(c) in November 2011, 26 countries supported an International Civil Aviation
Organisation Working Paper which is critical of the European Union ETS and urges the European Union to refrain from including flights by non-European Union members in its scheme;

(d) in February 2012, 23 countries concluded a 2 day meeting in Russia on the inclusion of aviation in the European Union ETS by signing a declaration which states that they have a 'unanimous position that the EU and its Member States must cease application of the Directive 2008/101/EC [the European Union ETS] to airlines/aircraft operators registered in third States';

(e) the United States Congress has called on the United States Government to take all possible action to ensure that the European Union ETS is not applied to aircraft registered by the United States or the operators of those aircraft; and

(f) China has banned its airlines from participating in the European Union ETS; and

(2) calls on the Australian Government to:

(a) use all political, diplomatic, and legal tools at its disposal to ensure that the European Union's ETS is not applied to aircraft registered by Australia or the operators of those aircraft;

(b) should the European Union maintain the application of the European Union ETS to flight sectors outside Europe, immediately assess whether the European Union ETS is consistent with the World Trade Organization (WTO) agreements and join any WTO challenge; and

(c) join any international action to prevent the application of the European Union ETS to non-European Union airspace.

Mr TRUSS (Wide Bay—Leader of The Nationals) (09:37): by leave—I move:

That the motion be amended by omitting paragraph 2(c), and replacing it with:

'(c) join in other appropriate international action to prevent the application of the European Union ETS to non-European Union airspace'

The proposed change omits paragraph 2(c) and inserts a new paragraph, which, I understand, will meet the favour of the House. I will not therefore speak at length about it. It calls on the government to join in appropriate international action to prevent the application of the European Union ETS to non-European airspace. It recognises that the original motion may have called upon the government to take some actions which were unwise. This gives it some freedom to ensure that actions are always wise. But it does still include the very key of the proposal, namely, that Australia should do something about the outrageous imposition by the European Union on other countries of what is essentially a tax for flying into their part of global airspace. The reality is that the way the tax is situated, it can be collected on foreign airlines flying over their own airspace. This is clearly an affront to all of the international principles that have been espoused by the international aviation community and, indeed, by the United Nations. It seeks to assert sovereignty over areas where clearly they do not have that right. I think it is important for government to speak out and to act strongly to resist these sorts of initiatives.

The DEPUTY SPEAKER (Mrs D'Ath) (09:38): Is the amendment seconded?

Mr HARTSUYKER (Cowper) (09:38): I second the amendment.

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (09:39): The government supports the amendment moved by the Leader of the Nationals. The government has been extremely active in expressing Australia's concerns and in opposing the measures that have been imposed in the European ETS system as it would apply to aviation. The government's position has been very clear with regard to aviation and shipping. As a global industry, they need to take action to address emissions, but the appropriate forums through which to do that are the global bodies—the International
I had a meeting with the European Commissioner for Transport in Leipzig in May, while I was attending the International Transport Forum, at which I reiterated Australia's position, which has been consistent in all forums, including transport forums, the UNFCCC and other bodies. Australia will continue to put our position extremely strongly. It has the support of the Australian aviation industry.

I thank the shadow minister for amending his original proposition to recognise that it would have created issues which were not intended when the Leader of the Nationals moved that initial resolution. With the support of this amendment, the resolution will, I believe, now receive the unanimous support of the House. It is very important, as Australia participates in international affairs, that wherever possible we ensure there is bipartisanship, because that strengthens our negotiations at the international forums in which we participate.

Question agreed to.

Original question, as amended, agreed to.

Debate resumed on the motion:

That this House:

(1) notes that:

(a) serious allegations have been made surrounding the misappropriation of union members' funds by union leaders;

(b) Australian Council of Trade Unions Secretary, Dave Oliver, has said that every union member has the right to know that their money is going to be subject to good governance and good regulation; and

(c) Australian Workers Union National Secretary, Paul Howes, has said he supports bringing unions' accountability and transparency in line with the Corporations Act 2001; and

(2) calls on the Government to implement a plan that will expect the same standards of accountability and transparency of union leaders as are expected of Company Directors under the Corporations Act 2001.

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

[The House divided. [09:46]

(The Deputy Speaker—Ms AE Burke)

Ayes ...................... 71
Noes ...................... 71
Majority ............... 0

AYES
Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Bachholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gash, J
Haase, BW
Hawke, AG
Hunt, GA
Jensen, DG
Keenan, M
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
Oakeshott, RJM
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Schultz, AJ
Secker, PD (teller)
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ
Wyatt, KG

Alexander, JG
Andrews, KL
Billson, BF
Bishop, JJ
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M
Dutton, PC
Fletcher, PW
Frydenberg, JA
Griggs, NL
Hartsuiker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C
Macfarlane, IE
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
O'Dowd, KD
Pyne, CM
Randall, DJ
Robert, SR
Ruddock, PM
Scott, BC
Simpkins, LXL
Somlyay, AM
Stone, SN
Truss, WE
Turnbull, MB
Vasta, RX
Windsor, AHC

8868
The numbers for the ayes and the noes being equal, the Deputy Speaker gave her casting vote with the noes.

Question negatived.

Mr Tony Smith: Oh, yeah.

The DEPUTY SPEAKER: I hope the member for Casey is not wanting to mock House of Representatives Practice, because I take this very seriously and I think everybody should. The House of Representatives Practice sets out the principles for the exercise of the casting vote. These principles, in summary, are:

• that the Speaker should always vote for further discussion, where this is possible;
• that, where no further discussion is possible, decisions should not be taken except by a majority; and—

in this case—

• that a casting vote on an amendment to a bill should leave the bill in its existing form.

Therefore, the motion will not pass.

[Question negatived.]

Small-Scale Renewable Energy Scheme

Debate resumed on the motion:

That this House acknowledges the Government's mismanagement of the solar panel program, the Small-scale Renewable Energy Scheme (SRES), in particular, the:

(1) failure of the Government to screen disreputable operators from the program;
(2) failure to warn the Australian public regarding the risks associated with solar installation companies operating with questionable practices, despite indication that this was necessary; and
(3) fundamental design flaws of the SRES program which have caused a glut of Renewable Energy Certificates in the clearing of houses, leading to deep financial stress for reputable solar installation companies and Australian families.

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

[The House divided. [09:53]

(The Deputy Speaker—Ms AE Burke)
The numbers for the ayes and the noes being equal, Madam Deputy Speaker gave her casting vote with the noes.

Question negatived.

**Live Animal Exports**

Debate resumed on the motion:

That this House:

(1) notes the profound financial impact on graziers and associated businesses by the Government's decision to ban live cattle exports to Indonesia on 7 June 2011;

(2) acknowledges that due to Government maladministration:

(a) the criteria outline in the Business Assistance Payments program offered to affected graziers and businesses contained ambiguous wording and was confusing for applicants;

<table>
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<tr>
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The numbers for the ayes and the noes being equal, Madam Deputy Speaker gave her casting vote with the noes.

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<td>Hall, JG (teller)</td>
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<td>Windsor, AHC</td>
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**CHAMBER**
(b) Centrelink staff who advised on applications for the Business Assistance Payments program offered inaccurate advice to eligible applicants; and

(c) applicants who met the criteria missed the deadline for the program because they were misinformed about their eligibility; and

(3) condemns the Minister for Agriculture, Fisheries and Forestry for:

(a) refusing to extend the Business Assistance Payments program to assist affected farmers and businesses who experienced financial losses as a direct result of the live export ban; and

(b) his poor handling of the issue, which has led to financial losses in the cattle industry.

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

The House divided. [09:59]

(The Deputy Speaker—Hon. Anna Burke)

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

AYES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Entsch, WG
Forrest, JA
Gash, J
Haase, BW
Hawke, AG
Hunt, GA
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Katter, RC
Kelly, C
Macfarlane, IE
Markus, LE
McCormack, MF
Morrison, SJ
Neville, PC
Prentice, J
Ramsey, RE
Rohb, AJ

Alexander, JG
Anders, KL
Billson, BF
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M
Dutton, PC
Fletcher, PW
Frydenberg, JA
Griggs, NL
Hartshuyker, L
Hockey, JB
Irion, SJ
Jones, ET
Keenan, M
Ley, SP
Marino, NB
Matheson, RG
Mirabella, S
Moylan, JE
O'Dowd, KD
Pyne, CM
Randall, DJ
Robert, SR

Roy, WB
Schultz, AJ
Secker, PD (teller)
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ

Ruddock, PM
Scott, BC
Simpkins, LXL
Somlyay, AM
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Watt, KG

Adams, DGH
Bandt, AP
Bowen, CE
Brodhmann, G
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Champion, ND
Clare, JD
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Ferguson, LDT
Garrett, PR
Gibbons, SW
Gray, G
Griffin, AP
Hayes, CP (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
McClelland, RB
Mitchell, RG
Oakeshott, RJM
O'Neil, DM
Parke, M
Pilibberse, TJ
Rishworth, AL
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vamvakou, M
Windsor, AHC

Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
D'Ath, YM
Elliott, MJ
Emerson, CA
Fitzgibbon, JA
Georganas, S
Gillard, JE
Grierson, SJ
Hall, JG (teller)
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Neumann, SK
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Rudd, KM
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Wilkie, AD
Zappia, A

PAIRS

Gambaro, T
Hussey, EN

Husic, E

Laming, A
Ferguson, MJ
Strong Australian Economy

Debate resumed on the motion:

That this House:

(1) notes that:

(a) by historical standards, unemployment, inflation and interest rates are at very low levels;

(b) for the first time in Australian history, Australia has a AAA rating from all three major credit rating agencies;

(c) Australia's debt levels, despite the hit to revenues from the global financial crisis, are around one tenth the level of major advanced economies;

(d) OECD Economic Outlook 91 confirms that the Australian economy will significantly outperform OECD economies as a whole over this year and next; and

(e) the IMF has said of Australia: 'we welcome the authorities' commitment to return to a budget surplus by 2012-13 to rebuild fiscal buffers, putting Commonwealth government finances in a stronger position'; and

(2) calls upon all Members to approach economic debates with facts rather than fear, and to put the national interest first when discussing the strong Australian economy.

The DEPUTY SPEAKER: The question is that the motion moved by the member for Fraser be agreed to.

The House divided [10:02]

(Deputy Speaker—Ms AE Burke)

Ayes..................71
Noes....................68
Majority................3

AYES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Garrett, PR
Gibbons, SW
Grierson, SJ
Hall, JG (teller)
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Neumann, SK
O'Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Rudd, KM
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Thomson, KJ
Wilkie, AD
Zappia, A
Cheeseman, DL
Collins, JM
Crean, SF
D'Ath, YM
Elliott, MJ
Emerson, CA
Fitzgibbon, JA
Georganas, S
Gray, G
Griffin, AP
Hayes, CP (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
McClelland, RB
Mitchell, RG
Oakshott, RJM
O'Neil, DM
Parke, M
Plibersek, TJ
Rishworth, AL
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, CR
Vamvakinou, M
Windsor, AHC

NOES

Alexander, JG
Andrews, KL
Billson, BF
Bishop, BK
Bishop, JI
Broadbent, RE
Chester, D
Ciobo, SM
Coulton, M
Dutton, PC
Fletcher, PW
Frydenberg, JA
Griggs, NL
Hartsuyker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C
Macfarlane, IE
Markus, LE

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Butler, MC
Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (10:05): by leave—

On 14 March this year, in my first ministerial statement on workplace health and safety in this place, I said that every Australian who goes to work should return home safely. I know both sides of the House endorse this universal human right and today I reaffirm our commitment to this principle.

And, just as in the workplace, Australians of course deserve to be safe once they are at home too. Safety of our citizens is a fundamental role of government. But there is a clear and present danger to our workplace and domestic safety, and I speak of asbestos. The International Labour Organisation has reported that about every five minutes someone around the world dies of an asbestos related disease. Nearly 80 per cent of worldwide asbestos production between 1900 and 2004 has occurred since 1960—

constituting somewhere between 143 million and 182 million tonnes. This is despite the fact that medical information about the hazards of asbestos was at a knowledge peak by this time half a century ago.

I have been hearing this all my life in the Labor movement, as I am sure many others of my colleagues have, the following words: 'what we could learn from, what we're going to do, what we're going to set up'. And, to be fair, much has been achieved, including various bans on asbestos. Much of the progress was achieved by the hard and continuing struggle by Australian trade unions. I would like to acknowledge the late Bernie Banton, my ministerial colleague Greg Combet and Senator Lisa Singh amongst a range of campaigners. It was an inevitable development of these strong and impassioned efforts that a Labor government, under my ministerial predecessor Senator Chris Evans, commissioned the Asbestos Management Review on 29 October 2010. I will come to the details of this review shortly.

The compelling reasons for commissioning the report, however, twist through our long workplace health and safety story as a tragic fibre in a deathly web. Asbestos was widely used throughout Australia for much of the 20th century. This nation had one of the highest rates of usage of asbestos during that period in public buildings and residential properties. As a consequence, today Australia has the highest reported per capita incidence of asbestos related disease in the world. More Australians will die of asbestos related diseases than were killed in the First World War. Due to extensive asbestos use throughout the country, and incubation...
periods of up to 50 years or more between exposure and the manifestation of disease, the sad reality is that Australians will continue to contract and die from asbestos related diseases for many years to come.

Despite the Australia-wide ban on the production, importation or use of asbestos or asbestos products that was introduced in 2003, asbestos can still be found in older public buildings and residences. This is usually in the form of asbestos cement (fibro) walls, both internal and external, corrugated roofing and pipes and many other products such as vinyl floor tiles, lagging on pipes and insulation in wood heaters. It would surprise many people just how widely used asbestos has been. In addition to walls and corrugated roofing, asbestos can be present in fire blankets and curtains; pipes and tubes; shingles or tiles; asbestos tape and rope; putties, adhesives and sealants; textured paints and coatings; brake pads and clutch facings; and even in the material that lines pot plants.

Even though the mining and industrial use of asbestos has all but been banished from Australia, asbestos can potentially appear across almost all of our daily activities. Asbestos remains one of the most serious issues in our workplaces. But it is increasingly clear that it is much more than this. In 2010, 642 people died of mesothelioma, perhaps the most insidious form of asbestos related disease. This equates to over 45 per cent—almost half—of the national road toll in 2010, which was 1,352 deaths.

Mesothelioma has a latency period of between 20 and 50 or more years after exposure, meaning that workers exposed to asbestos a generation ago might still contract the disease, which is almost always fatal and for which there is no cure. The average life expectancy of a person diagnosed with this deadly disease is between 10 and 12 months. More than 650 Australians are diagnosed with mesothelioma most years, and experts predict that this rate will not taper off until 2022. This means that, as a country, we face another 10 years of increasing asbestos deaths before we begin to see the numbers start to reduce, and many more years until those diseases no longer kill large numbers of Australians.

Sadly for those Australians who have been exposed to asbestos, in whatever setting, there is nothing that can be done to turn back time and protect them from asbestos exposure. But this government is committed to protecting the health of Australians who might still yet be exposed to asbestos unless actions are taken immediately.

There are huge amount of asbestos in the built environment, and the greatest risk to Australians is the risk of exposure to home renovators, tradespeople, demolition workers and people who are living in homes that are being renovated. Every weekend around our great country, thousands of Australians undertake projects to enhance and improve their No. 1 investment—their castle, their home. But the hidden truth is that this can also pose a serious danger to their health. Amid the obvious DIY dangers of power tools, ladders and hammers hitting thumbs lurks asbestos, that malevolent building material so widely used in Australia until the 1990s and not fully banned until 2003. Asbestos poses a danger in our own homes, so we must take care.

An estimated 30,000 to 40,000 Australians will be diagnosed with asbestos related disease over the next 20 years, and researchers, policymakers and we in the Gillard government fear the third wave of asbestos deaths from people exposed in the home. This third wave includes men and women who have already built, renovated or
demolished a house, garage or fence containing asbestos; those wives who have innocently washed asbestos laden clothes; and those children who watched their dad fix or take down the old fibro shed and many years later may have an asbestos fibre lurking in their lungs.

About a third of homes built between 1945 and the late 1980s contain some asbestos products—in walls, ceilings, eaves, kitchens, bathrooms, vinyl floor tiles, sheds and garages. In late June in Melbourne, I joined with hosts from the television renovation show *The Block* and the major hardware retailer Mitre 10 to help raise awareness for DIY renovators about the dangers of asbestos. We launched a new brochure called 'Identifying Asbestos in your Home', a pamphlet specifically designed to help alert DIY renovators where asbestos might be found in homes and what it may look like. It has been adapted from a book by Brian Sketcher, from Asbestos Audits Queensland, and funded through the federal government's Asbestos Innovation Fund. The Asbestos Innovation Fund is designed to develop practical programs to raise awareness of asbestos and improve its management and removal.

We know that Australians love getting in and having a go—renovating and fixing things around the home is one of our great national pastimes. But we all do need to take care not to expose ourselves and our families and children to asbestos. All home renovators should get advice before renovating. Just as we are encouraged to 'dial before we dig', I would urge everyone to take their time to ensure the appropriate steps are taken to protect themselves and their families. If anyone has any doubt at all, there are qualified asbestos removalists in every state and territory. Home renovation is a national passion and preoccupation in Australia, but we do need to protect ourselves and those we love from accidental exposure to this silent killer. It is important to recognise that, far away from the family home, asbestos exposure is also possible through asbestos tailings, old mines and mills, landfill and illegally dumped asbestos.

The Asbestos Management Review

It is for all of these reasons that this Labor government prioritised the need for an asbestos management review, the report and findings of which we release today. This review was tasked with making recommendations for the development of a national strategic plan to improve asbestos awareness and management and was undertaken over the past 18 months. It has been headed by Geoff Fary who was assisted by an advisory group comprised of experts across a range of professions. The members of the advisory group were:

- Mr Jim Barrett—Executive Director of the Australian Constructors Association
- Mr Paul Bastian—National Secretary of the Australian Manufacturing Workers Union
- Mr Lindsay Fraser AM—Assistant Secretary of the Construction, Forestry, Mining and Energy Union
- Dr Robert Guthrie—Adjunct Professor of Workers' Compensation and Workplace Laws at Curtin University
- Mr Tim Hammond—Barrister at Francis Burt Chambers, Perth
- Ms Sylvia Kidziak AM—Managing Director of SL Engineering
- Professor Bruce Robinson—Director of the National Centre for Asbestos Related Diseases
- Ms Tanya Segelov—Partner, Turner Freeman Lawyers
Professor Nico van Zandwijk—Director of the Asbestos Diseases Research Institute.

I thank each of these people for their important contribution. In addition I would like to acknowledge Dr Daniel Mulino in my office, and Dr Yossi Berger of the Australian Workers' Union, each of whom have helped guide my thinking on these matters.

While different levels of government have individually and at times together agreed on asbestos related measures, the sad truth is that until this review commissioned by the Gillard government Australia has never genuinely contemplated a comprehensive national strategy to manage asbestos and raise awareness about it.

Understanding the review

At the rudimentary 'do not miss this point' level, the review confirms that action must result in a substantial increase in the number of people breathing less asbestos fibres. Despite all the hopeful discussions about durations of exposure or exposure levels, more asbestos fibres resident in the lungs is never better than less. Cladding, encapsulation and supervision of such materials have in the past condemned some people to inhaling more not less asbestos fibres. And some of them too will be killed by such exposure.

As a union organiser I remember anxious workers asking me if the small amount of asbestos fibres they had inhaled was likely to kill them. 'Probably not,' I told them, 'probably not.' That's the best I could tell them—'probably not'. I knew at the time that there is no known minimum safe level for asbestos fibres. Show me the scientist who is prepared to say which small group of asbestos fibres I am inhaling now is the one that will not harm me.

The New York medical researcher Dr Irving J. Selikoff, renowned for his life's work on asbestos, concluded that the asbestos catastrophe resulted in part from human failure to anticipate its scale. The situation he described in a paper published after his death refers to the industrial nations where asbestos companies and their insurers have had to bear substantial financial responsibility for the toll of asbestos disease. Dr Selikoff observed: 'The asbestos disaster did not result from superficial miscalculations. Rather, it resulted from very careful calculations, many of which were wrong. They were made not only by scientists but by individuals who were skilled in making estimates (e.g., auditors and actuaries for insurance companies that provided policies to companies making asbestos products). They were wrong in their predictions and are now liable for huge sums of money. These are troubling reflections, particularly when we remember that "statistics are human beings with the tears wiped away."

The toll in human suffering is increased where the responsible parties escape, with impunity, liability for the tragic human consequences of their actions. This is the case still in countries where they still have thriving asbestos industries.

Key recommendations

For the benefit of the House let me walk members through some of the key recommendations arising from the report. The review recommends:

- That the Australian government lead and advocate for all jurisdictions to agree to the development of a National Strategic Plan for Asbestos Awareness and Management in Australia.
  - This is an issue that cuts across state boundaries and across industry demarcations.
  - The review has observed that: 'Current work health and safety laws provide
some framework for the management of asbestos issues within the workplace but there is no coordinated framework in place in relation to non-employment-related exposure. This needs to be addressed at the national level.

The report argues that dealing with Australia's asbestos legacy requires a national and systematic approach. The report also recommends that:

- the Australian government support and legislate for the establishment of a new national agency to have responsibility for the implementation, review, refinement and further development of the plan;
- the National Strategic Plan provide for the investigation of the prioritised removal of asbestos-containing materials from government and commercial buildings by 2030;
- the National Strategic Plan provide for a requirement that an asbestos content report (ACR) be undertaken by a competent assessor to determine and disclose the existence of ACMs in residential properties constructed prior to 1987 at the point of sale or lease, and prior to renovation, together with a property labelling system to alert workers and potential purchasers and tenants to the presence of asbestos.

When we announced the review nearly two years ago, Professor Bruce Robinson, the director of the National Centre for Asbestos Related Diseases, said he believed the national review was a major step forward. To quote Professor Robinson:

... a successful strategy involves more than just one ministry, one area. It needs the best people in the country to put their minds together to work out how to stop people being exposed in the future ...

With this review we have brought good people together. And we shall listen to them with forensic passion.

Those who have suffered and died from mesothelioma and other asbestos related diseases had lives with unfulfilled potential—from community sports stars, to fitters and turners, to country town chippies, to mums and dads. But we will never know what they might have achieved because they are lost to us. And we will lose more of them to this implacable grim reaper, just as their wives and husbands, sons and daughters, workmates and cousins, mothers and fathers will lose them. So we must act, to protect.

The full report will be available online shortly, and I table the recommendations with this statement. Be assured this government will consider the recommendations carefully and speedily. This report demonstrates how critical and urgent the issue is. It is an issue for all levels of government. It is an issue affecting people at work, in schools, in hospitals and at home. I am going to consult with all jurisdictions and all of the groups that have campaigned for action on asbestos to develop a quick response to the review.

This is a once in a generation report. I expect that the changes that come from our response to it will be substantial. Many lives are counting on it. I thank the House. I present the copy of the ministerial statement.

I ask leave of the House to move a motion to enable the member for Farrer to speak for 17 minutes.

Leave granted.

Mr SHORTEN: I move:

That so much of the standing and sessional orders be suspended as would prevent Ms Ley speaking for a period not exceeding 17 minutes.

Question agreed to.
Ms LEY (Farrer) (10:22): I thank the minister for bringing the review and his initial response to the parliament this morning. All members of the House support the need to ensure that when a mum or dad waves goodbye to their children in the morning they come home from work safely to still be there in the afternoon. As the mother of a newly graduated electrician who spends a large part of his days crawling through roofs and therefore encountering asbestos on a daily basis, I, like many other Australians, have worried about this issue. I have sought reassurance that the best possible workplace practices are there for my son in his workplace.

We in Australia have the highest reported per capita incidence of asbestos related disease in the world. It is estimated that by 2020 there will be 13,000 cases of mesothelioma in Australia. A further 40,000 Australians will contract asbestos related cancer. Mesothelioma and asbestos related cancer are different in the way that they affect families. These cancers do not affect you today or tomorrow but in 10, 20 or 30 years or even longer after exposure.

As a local member in a large rural electorate in western New South Wales, there are many communities with old houses and people on low and fixed incomes, people who you would say are on the fringes of society. Over the years I have seen and heard of too many who have passed away because of exposure to asbestos. These are the stories that not only cripple the families and friends but impact entire communities. While Australia has had a nationwide ban on the production, importation and use of asbestos since 2003, many buildings in Australia still have asbestos or asbestos products within them which put at risk in particular do-it-yourself home builders and renovators.

This review and its response arguably deal with the conventional, but we may need to broaden our response to a whole-of-government one. Thousands of cheap Chinese cars are coming into this country with asbestos in their exhaust gaskets. The authorities are grappling with the realities of what a recall would involve, because in the case of an exhaust gasket you may never need to touch it, but if you decide you have to remove it the gasket could perhaps break down and you would have to scrape it out of the exhaust. That is where the problem arises. You may in fact be creating a problem by issuing a recall. This highlights the complexity of what we are dealing with.

The coalition supported the establishment of the asbestos management review in 2010 and we support action to stop the continued exposure of Australians to asbestos. We have not had the opportunity to examine this review in detail. However, on the face of it, most if not all of the recommendations seem reasonable and we are of course prepared to work with the government to advance this to the next stage. I do agree with the minister that this is a critical and urgent issue that requires all tiers of government to work together to provide a positive outcome.

I urge the minister to broaden his consultation on how the strategy is implemented. The government needs to involve the builders, the tradesmen and the small business contractors—the people who are working at the sharp end. I ask the minister to expand the consultation to these practitioners who are working at the coalface, the people who contend with the health concerns, the physical realities and the cost of the potential removal and amelioration of asbestos hazards on a day-to-day basis. As yet in this broad, high-level strategy we have not heard their voices and we do need to seek their advice.
I note the minister's comment on the recommendation that, as part of the Australian government leading all jurisdictions to develop a national plan for asbestos management, a new national agency be created to have the responsibility for implementing such a plan. The coalition will not stand in the way of sound public policy initiatives issuing from this parliament to reduce the scourge of asbestos. But I make the point that since Labor came to office in 2007 we have had so many new national partnerships, national approaches, national agencies and new bureaucracies and I am not convinced that they always achieve what they set out to do, although they are very good at spending public money here in Canberra. Perhaps the actions that we need to take could be taken within existing structures at state level, allowing the funds to flow to communities, to awareness raising and to the actual task of identifying asbestos related risks.

In conclusion, may I say that we do believe it is important to address this in a bipartisan manner so that we can ensure that Australians are not struck down by this disease and can live to see not just their children grow up but their grandchildren and even their great-grandchildren. I appreciate the minister's swift action in returning, I understand, to the House within not too many more weeks with the next stage of the process.

COMMITTEES

Electoral Matters Committee

Report


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

Mr MELHAM: by leave—The Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012 amends postal voting arrangements, increases nomination deposits for Senate and House of Representatives candidates, increases the nominators required for unendorsed candidates and Senate groups, changes the unsound mind exemption from enrolment and voting, and makes minor technical amendments to the Commonwealth Electoral Act.

The committee supports the changes in schedules 1 and 2 of the bill. However, it has some concerns about the schedule 3 changes to the unsound mind provisions and has recommended certain amendments. Schedule 3 proposes changes to the unsound mind provision in subsection 93(8) of the Commonwealth Electoral Act. That section exempts a person from enrolling and voting if they are incapable of understanding the nature and significance of enrolment and voting. That is the proposed section. Thousands of people are using the provision each year. They may be facing temporary or ongoing mental health challenges that compromise their capacity to cast a vote. It is generally someone close to the affected person who will seek to have that person exempted under subsection 93(8). The Australian Electoral Commission cannot initiate a removal from the roll on these grounds.

The committee is sensitive to community concerns that the phrase 'unsound mind' is offensive and that the provision prevents some people from voting. Given Australia's system of compulsory enrolment and voting, it is useful to have a mechanism to address this to protect the integrity of elections and
assist those who are unable to meet their enrolment and voting obligations.

Based on the evidence received, the committee is not satisfied that there is any pressing need to remove or substitute the phrase 'unsound mind'. It is an established phrase with meaning in the law. The committee has recommended retaining the phrase 'unsound mind' in subsection 93(8). To remove it risks broadening the exemption and potentially disenfranchising more electors.

The committee also supports the current requirement for a certificate from a medical practitioner. With other professions, such as psychiatrists and social workers, making these determinations it could unfairly disenfranchise people if these additional qualified people are less stringent in judging a person's capacity to understand the significance of enrolment and voting.

I now turn to schedules 1 and 2 of the bill, which relate to postal voting and nomination requirements. In referring the bill, the Selection Committee noted that the bill was ambiguous in relation to the specific changes being made to processing postal vote applications. In its review of the bill the committee found that a number of the changes relating to postal voting largely reflect existing AEC practices. These changes will simply ensure that the Electoral Act correctly outlines the processes that have evolved to help ensure the efficient processing of postal vote applications and distribution of postal vote packages.

Most PVAs are already processed centrally from PVPs distributed through the AEC's central print system—93 per cent for the 2010 federal election. At the next election there also will be the option to apply online. These online applications will be centrally processed. The Divisional Returning Officer is no longer the main conduit for postal voting activities. However, the Electoral Commissioner will continue to delegate his powers in relation to postal votes to Divisional Returning Officers and other AEC officers. This change will not affect the way in which individuals and political parties interact with their DROs on postal voting matters. As is the current practice, political parties will still be able to distribute PVAs with campaigning material, receive completed PVAs and forward them to the relevant DRO.

In the case of issuing PVPs to a person rather than specifically to an elector, the AEC indicated that it already issues PVPs to unmatched applicants who are not found on the electoral roll. The return ballot papers are then subject to further scrutiny and admitted to the count only if the person is verified to be an elector. This is in keeping with the approach taken with declaration voters.

While having a variety of candidates is a feature of Australia's democracy, large numbers of candidates means an expanded ballot paper and it increases the complexity of the voting task for electors. Setting appropriate nomination requirements is one way to help ensure that prospective candidates appreciate the seriousness of their participation in the electoral process, if they can demonstrate some community support for their candidacy. Increasing the nomination deposit from $1,000 to $2,000 for Senate candidates and from $500 to $1,000 for House of Representatives candidates is reasonable and appropriate. The increase from 50 to 100 nominators required for candidates not endorsed by a political party is reasonable. It is important that unendorsed candidates be able to demonstrate community support for their candidacy.

Similarly, if unendorsed candidates wish to be grouped on the Senate ballot paper it is appropriate that each member of a Senate
group be able to demonstrate community support for the grouping. The bill will increase the nominators from 50 for the whole group to 100 per candidate. As the proposed new requirement is for unendorsed candidates to have 100 nominators, they should be able to draw on this support base to secure their Senate group box.

On behalf of the committee I thank the organisations and individuals who assisted the committee during the inquiry through submissions or by participating in the round table discussion in Canberra. I also thank my colleagues on the committee for their work and contribution to this report and I thank the secretariat for their work on this inquiry. I commend the report to the House.

Mrs BRONWYN BISHOP (Mackellar) (10:35): by leave—In rising to speak to this report from the Joint Standing Committee on Electoral Matters I would like to point out to the chamber that this is in fact a most unusual report coming from this committee, because it is unanimous. I think it is the only one to be so since this committee was formed after the last election, because normally the issues are extremely partisan and the committee report usually reflects only the views of the government and Greens members. However, on this occasion, because it sought to implement recommendations 12, 31 and 32 of the joint standing committee's report on the last election, these were provisions that the opposition did not dissent from, so we were able to look at the bill in a different way. Normally we have differing points of view from the beginning.

I think it is important to point out that the second reading speech of the minister did initially cause me, and others, to think that this bill was doing something quite radical with regard to the way that, in particular, postal vote applications are dealt with.

The minister said in his speech that 'Schedule 1 to the bill will simplify the postal vote arrangements by directing all applications to either the electoral commissioner or an assistant returning officer.' He went on to say:

Directing the majority of postal vote applications to the electoral commissioner will enable the centralised processing by computers and the centralised dispatch of postal vote packages.

When we in fact took evidence from the Australian Electoral Commission, we found that that is precisely what is happening now, and that these provisions of the bill will make not any difference whatsoever to the way in which the Electoral Commission deals with postal vote applications. In 1999 they had sought legal advice as to whether or not the existing legislation would enable them to deal with the sending out of packages in a centralised manner and they have been doing it since then. So we were somewhat mystified about the real intent of the provisions. However, it is sensible to tidy up language in the bill, and we agree to that.

But there was a most concerning part, so far as I was concerned—and that dealt with the delegation of the powers of the Electoral Commissioner. The way the system works is that political parties take the postal vote applications which are returned to them to the DRO, the divisional returning officer, and they are then sent in to the centralised system. But we did not want to see the system changed such that we had to go to some central point. That would make the system unworkable. And there is no provision in the legislation for that power to be delegated to DROs. So I sought an undertaking from the Electoral Commissioner, in whom all power is now vested, and asked him:

So you are giving me an undertaking today that you will in fact delegate to DROs?

Mr Killesteyn answered, 'Indeed.' I then said:
Good. So there will be no attempt to not delegate to them? I accept your word that you will delegate to DROs.

Mr Killesteyn said:

The process that you see as a member of parliament or, rather, will see as a candidate, where you would take your postal vote applications to your local office, will still be there.

I then added that that was fine by me because, as the chair had pointed out, this was evidence under oath. So I accepted that the practice will continue.

I think it is important that we received that undertaking, because it is on that basis that the opposition members can agree to a unanimous report on this occasion. I and the coalition do, however, believe that it would be best in some form of legislation, be it primary or subordinate legislation. I think it is important that we see that that power does in fact remain delegated to the DROs. It is important to note that another commissioner may take a different point of view and, for that reason, I would like to see it in legislative form.

The other provisions of the bill were outlined by the chairman of the committee, dealing with the increase in nomination fees to be paid when candidates nominate for either the House or the Senate. They also dealt with the fact that the 500 people who are shown as members of a political party will now have to be electors, not simply entitled to vote, and that we will also see the required number of supporters for unaligned candidates rise from 50 to 100. We concurred with those recommendations.

I now want to turn, however, to the question of the use of the term 'unsound mind'. The coalition parties have always been concerned that the major task of the Australian Electoral Commission is to keep the integrity of the roll. That is why we have voted against, and disagreed with, automatic enrolment and certain other provisions. We believe that 'unsound mind' remains a term which does have a legal meaning, because it has been interpreted. It is interesting that there have been attempts to change the provision in the act allowing for the removal of someone of unsound mind from the roll. The provision allows for that to be done at the initiation of family—but requires a medical certificate. With respect to that provision, in the belief of all committee members—indeed, from certain evidence that was given to us, including the supplementary submission from people with a disability who believed that having a provision in there at all to remove anyone from the roll in this area was a discrimination—the wording which is included in the bill would in fact result in an expansion of the number of people who could be removed from the roll.

I went back through the history of this term. After the 1996 election it was considered by the Joint Standing Committee on Electoral Matters, and they accepted the advice of the then Australian Electoral Commission that the wording not be changed. Although the Electoral Commission seems to have a different view at this stage, we believe that the earlier view they held is the correct one. Accordingly, the committee has recommended that the bill should be passed, but only after deleting the changes proposed in schedule 3 in relation to the unsound mind provision and consequential amendments. The term 'unsound mind' and the current requirements for a certificate from a medical practitioner should be retained.

I do sincerely hope that the government will pay heed to this recommendation that the committee has made because, as I said, it is quite unusual in that it is unanimously supported by all members of the committee.
and indeed was supported by evidence given to us and is in accord with a decision made in Victoria to maintain similar wording. It is also consistent, as I said, with what was decided after the 1996 election, when the then Electoral Commission held that view and the then committee supported that those words should remain as the safest way to protect the integrity of the roll and protect those who wish to vote.

So I am pleased to support the recommendations of the Joint Standing Committee on Electoral Matters concerning the Electoral and Referendum Amendment (Improving Electoral Procedure) Bill 2012, which thereby means that there would be support for schedules 1 and 2, but we would seek for the government to heed the recommendations and alter or amend schedule 3 to let the words 'unsound mind', for all the reasons we have both spoken about, remain.

**BILLS**

**Illegal Logging Prohibition Bill 2011**

*Second Reading*

Debate resumed on the motion:

That this bill be now read a second time.

Mr KELVIN THOMSON (Wills) (10:45): Yesterday the National Secretary of the Construction, Forestry, Mining and Energy Union, Michael O’Connor, put out a press release on behalf of his union urging the House to pass the Illegal Logging Prohibition Bill 2011 without delay. He said:

Workers, their families and their communities are holding on for grim life in the face of imports that unfairly undercut them. They expect urgent action from their representatives.

He went on to say:

The cost advantage that imported manufactured illegally logged wood products unfairly enjoy over manufactured products that utilise legal timber is conservatively estimated to be 20 per cent of the total cost of production.

Wood products represent the second largest sector in Australia's manufacturing industry and cheap, imported products are costing workers their jobs and killing their communities.

We had bipartisan support for taking action on preventing imports of illegally logged timber and imported wood products that utilise it. We have had three separate inquiries, each of which has recommended action.

Further delays are not acceptable and not feasible for timber processing and wood products manufacturing workers, their families and their communities. Their livelihoods are on the line.

That is very powerful stuff. But as well as support from the CFMEU, there are additional reasons for the House to pass this bill without further delay.

Australian timber imports of the order of $400 million a year come from illegally logged timber, and it has been estimated that Australia's share of the social and environmental costs of illegal logging amounts to $23 million a year. According to the Australian Conservation Foundation, about 22 per cent of the wooden furniture imported into Australia every year—more than one in every five pieces of wooden furniture—is believed to be made from illegal timber. Australia is the largest importer of processed timber from Papua New Guinea, where the World Bank estimates 70 per cent of the logging is illegally conducted. Indonesia is losing more than two million hectares of forest per year to logging and burning. In 2006 the Indonesian government lost more than US$2 billion from untaxed illegal logging, artificially low forest royalties and illegal transfer pricing.

A 2006 World Bank report estimated the financial losses to the global timber market at US$10 billion a year and the revenue losses to producer countries at US$5 billion a year. Another study estimated that trade in
illegally produced logs reduced global timber prices by between seven and 16 per cent.

Modelling of the financial consequences of illegal logging for the study gave the following results. Producers of legal forest products in non-risk and high-cost countries, like the United States, Europe and New Zealand, are worse off by around US$15 billion a year due to reduced production, lower prices and lost trade opportunities caused by illegal logging. High-cost legal producers in risk countries, such as China, Indonesia, Russia and Malaysia, receive profits and income that are around US$31 billion lower than they would be without illegal logging.

Illegal logging causes the displacement of forest dependent communities from their livelihoods, cultural identity and spiritual values and the removal of important carbon sinks. Illegal logging undermines good governance and development efforts in several of Australia's closest neighbours, especially Indonesia and Papua New Guinea.

A 2010 Centre for International Economics report for the Department of Agriculture, Fisheries and Forestry estimated that the global trade in illegally logged timber products was $15 billion a year, with the social and environmental costs of such illegal logging being US$60 billion a year. Around 10 per cent of the sawn wood imports into Australia come from what are deemed to be high-risk nations, or nations where a large proportion of timber production is illegal—notably Indonesia, Malaysia and Papua New Guinea.

I believe we need to ensure that Australian imports of forestry products are consistent with the goals of Australian aid programs and our stated commitments to reduce greenhouse gases. According to the Australia Institute report *Rough trade: how Australia's trade policies contribute to illegal logging in the Pacific region*, Australian aid includes programs and projects to help Indonesia, Papua New Guinea and the Pacific Island nations to better manage their forestry resources for long-term sustainability, for maximum socioeconomic benefit for their citizens and to participate in the REDD—reduced emissions from deforestation and forest destruction, the innovative program rewarding carbon sequestration.

Illegal logging in these countries is more extensive than generally understood and is a serious impediment to achieving the goals of Australian aid programs. Continued illegal logging demonstrates that governments cannot protect their forest resources and it undermines their credibility for participation in the REDD mechanism. Aid program managers and policymakers must be aware of the pitfalls in implementing REDD and programs must be coordinated with a clampdown on illegal logging, or they will not work.

According to TEAR Australia, an estimated 10 per cent of all imported wood in Australia has been illegally logged. Illegal logging in neighbouring countries like PNG and Indonesia is a criminal offence—for good reason. It wreaks environmental destruction and displaces indigenous peoples and animal species who live in the forests. Illegal logging flouts the law for profit, cheating already impoverished communities out of a fair price for their timber. This product of this lucrative trade of corruption and crime ends up in Australian households, which unknowingly buy this cheap imported wood. As Australian consumers, we do not want to be implicated in the destruction of someone else's home to build our own homes.

James Cook University rainforest ecologist Professor William Laurance has
called for tighter laws to halt illegal timber imports, insisting on stricter labelling of timber products to track the country of origin.

Vague labels such as 'made in China' are not helpful to consumers, according to Professor Laurance, and are likely to be misleading, given China's dominant role in the global illegal timber trade. Although manufactured in China, the products could be made from timber harvested illegally in Africa, South America, Asia or Papua New Guinea. Less than five per cent of tropical timber is currently eco-certified as being obtained from a sustainably harvested source. According to Professor Laurance:

The current eco-labelling accreditation schemes are a long way from perfect, and need to be improved. Then you have countries like Indonesia and Malaysia that have developed their own accreditation schemes, but in several instances, these have been shown to be fairly lax.

Professor Laurance said that China had developed an immense export market for wood and paper products, driving large-scale clearing of tropical forests in Sumatra and Borneo. He said:

During a recent visit to Sumatra, I witnessed the felling of large expanses of native rainforests, which are being chopped up and fed into the world's largest wood-pulp plant, located nearby, and replaced by monocultures of exotic acacia trees.

He said that China had done 'little to combat the scourge of illegal logging' and is estimated to have imported between 16 million and 24 million cubic metres of illegal timber every year over the past decade. Professor Laurance said:

That is an incredible figure, twice the amount imported annually by leading industrial nations.

Professor Laurance has said that, while Chinese government agencies had commissioned an analysis of China's role in the illegal timber trade, there was no national plan or laws to prevent the import of illegal timber.

According to a report by Interpol and the World Bank, illegal or 'predatory' logging is estimated to defraud developing nations of about $15 million each year in tax and timber royalty evasions. Last year, Greenpeace exposed an illegal timber scandal in Sydney city, which originated in the Malaysian rainforests of Borneo. Greenpeace exposed the use of illegal timber on the development site, Central Park. The developers took action. Frasers Property Australia promised to audit and remove any illegally logged timber from the worksite. Even better, it committed to using only the FSC certified timber thereafter.

The fact that a company who wanted to do the right thing was using illegal timber highlights the need for the legislation that is before the House to introduce effective laws to stop illegal timber ending up in Australia. Greenpeace investigations in Australia, coupled with on-the-ground investigations by British organisation Earthsight, have revealed that illegal timber stolen from rainforests in poor communities is presently bought and sold across Australia by Australian companies.

The plywood found at the Central Park development in Sydney's CBD came from timber concessions in Sarawak, where systematic and widespread incidents of illegal logging have been documented. One of the world's largest and most notorious logging companies, Samling, was found to be logging protected species, encroaching on areas designated as national parks, destroying rivers and fraudulently tagging logs. According to a Greenpeace report:

Samling is the largest Malaysian logging company operating in the state of Sarawak, on the island of Borneo in Malaysia, where it is logging in an area two-thirds the size of Wales. Samling has a history of illegal logging and abuse of
indigenous people's rights in Malaysia, Guyana, Cambodia and Papua New Guinea. In 2009, the Norwegian Government published a report documenting illegal logging by Samling and instructed its state-owned pension fund to divest its significant shareholdings.

The people of Bongu Village in Madang, Papua New Guinea, have been locked in a bitter fight to keep their timber in the ground. Their forests are being illegally felled by a timber contractor to be exported to another country. The people of Bongu Village have been watching their livelihoods disappear. They are seeing the opportunities for their children to go to school and for their families to make a better life for themselves simply being turned into cheap furniture for our homes, paper for our offices and coverings for our floors. We have been robbing one of our closest neighbours of their livelihoods simply to satisfy our demand for cheap timber.

Bongu Village is just one of thousands of communities devastated by illegal logging. This bill seeks to restrict the flow of illegal timber into Australia. In essence, this bill seeks to stop the theft of community resources like those which have been stolen from Bongu Village. This bill is Australia doing its duty as a responsible consumer of timber products. It is the right thing to do for Australia and it is the right thing to do for communities in our neighbouring countries.

I also believe we need to address the issue of palm oil plantations if we are genuinely committed to stopping the theft of resources from communities within our neighbouring countries. I support the campaign of Zoos Victoria and others on this matter. I want to read a quote from an article by Father Ed Meli, a Catholic priest from Divine Word University in Papua New Guinea. He said:

I see people's livelihood destroyed in terms of their life's sustenance. Huge parts of the virgin forest cleared used to be where people do their gardening, hunting, and collecting of different food stuff and materials for building their local traditional houses and homes.

Father Meli is describing watching hectares of virgin forest cleared to make way for oil palm plantations in Silovuti, Papua New Guinea.

Just like the people of Bongu Village watching their livelihoods being destroyed by illegal logging, the people of Silovuti are watching their livelihoods disappear to satisfy Australia's demand for cheap palm oil. Just as we should be responsible consumers of timber, we should also be responsible consumers of palm oil. Palm oil is found in almost half the products on our supermarket shelves, yet it is not labelled. Without the labelling of palm oil we have no idea if we are fuelling the kind of destruction happening right now in places like Silovuti.

Labelling will help us create a consumer driven market for certified sustainable palm oil—a form of palm oil that is produced in a more environmentally, socially and economically responsible way. I support the mandatory labelling of palm oil in Australia and for Australia be one of the nations in the world that focuses on importing certified sustainable palm oil.

I welcome this bill to the parliament. It honours the government's 2010 election commitment to combat illegal logging by restricting the importation and sale of illegally logged timber in Australia. The bill creates greater business certainty for Australia's domestic timber producers and suppliers, and provides an assurance to consumers that the products they purchase are legally sourced. The bill will put Australia at the forefront of global action to combat illegal logging and associated trade, which, as I have pointed out, is responsible for significant environmental, social and economic impacts.
The Illegal Logging Prohibition Bill 2011 will make it an offence to import timber and process domestic raw logs that have been illegally harvested.

The aim of the prohibition is to restrict timber that has been illegally harvested from entering the Australian market. It will provide consumers with confidence that the timber they buy, whether it is furniture or product off the shelf from the local hardware store, does not contain illegally logged timber.

The government recognises that these measures are an essential first step towards a longer term goal of Australia sourcing timber products from sustainably managed forests, wherever they are in the world. I congratulate the Labor government for implementing its election commitment to restrict the importation of illegally logged timber through this bill. This bill is an important piece of legislation, and somewhat historic—I understand that only the United States has a similar piece of law in force. I commend the bill to the House.

Mr HUNT (Flinders) (11:00): I support many of the words set down by the member for Wills in relation to the Illegal Logging Prohibition Bill 2011. I congratulate him on the fact that he is possibly the expert in the House on this issue and on the problem of criminal activity resulting in deforestation, destruction of community lives and unfair advantage in the Australian market.

Against that background, we support the principle of this bill very strongly. It is an issue in which I have been engaged for many years. I want to see an end to illegal logging, whether it is in Australia or overseas, for very simple reasons. Firstly, it is about criminal activity. Secondly, it is about destruction of community lives, where in many cases communities are up against not just well-funded but well-armed adversaries.

Thirdly, it causes wholesale environmental devastation. The level of emissions can be high and the degree of destruction and the impact on vulnerable species can be total; it can be complete. I note that the member for Wentworth is at the table. Deforestation is something that he and I have been working on for some time. Deforestation accounts for up to 20 per cent of global emissions. So this is an area in which we can have a profound and significant impact.

For those reasons, we give deep, genuine and strong support to the principle behind the bill. The problem, as I have mentioned, is threefold. Firstly, there is criminal activity involved. Secondly, the impact on specific communities can be almost complete devastation. Communities in different parts of our region have been effectively destroyed, with no recourse because they have had not just finance but the application of, effectively, armed force against them. What is left is nothing. There is no benefit for them; it is a straight pillage of not just their resources but the entire community lifestyle.

The third element is about responsible treatment and a fair go for Australian producers and importers who act in the right way. During preparation for this bill I met with Bunnings. They are the largest importer of timber in Australia, as I understand it—I stand to be corrected, but that was the advice they gave me. They strongly support this bill. They are the ones who could, arguably, be the most adversely affected by it, but they strongly support it out of concern for a level playing field, for doing the right thing and for acting responsibly in custodianship of our products.

The difficulty with this legislation is not the intent but the construction. Unfortunately, it contains a blank cheque in terms of the fact that the regulations have not
been released and will not be released. We have called for and would like to see the regulations in conjunction with the bill. Providing those would be the reasonable thing to do. If this bill proceeds in its current form, we will not be able to give support until such time as the regulations are available. There is reasonable and appropriate concern that we work with, not against, Indonesia, Papua New Guinea, Malaysia and other countries within our region.

But, if the bill does pass, we will not repeal it; we will simply seek to amend and improve it. This is exactly the same set of conditions I set out on behalf of the coalition in relation to the Carbon Farming Initiative. We were concerned about the inadequate amount of information and the failure to publish all the regulations. We did not believe it was ready to proceed until those elements were in place. But, if passed, we will maintain the bill and simply seek to improve it.

So we agree with the principle, although we have concerns as to the lack of consultation with our neighbours and therefore the ability to implement it effectively. We certainly have concerns about the blank cheque nature arising from the absence of regulations. We support the principle but we respectfully say to the government that, if they want complete unanimity about the passage of this bill, our requests are reasonable, fair, appropriate and prudent.

**Mr ADAMS** (Lyons) (11:05): It is good that the opposition have in-principle consideration, after three reports have called for action—but they still find ways of not supporting a very good bill. They always find something to do with process or whatever that is not quite up to their standard. I find that very disappointing, as will most timber workers and the timber industry generally, I believe.

The object of the Illegal Logging Prohibition Bill 2011 is to reduce the harmful environmental, social and economic impact of illegal logging by restricting the importation and sale of illegally logged timber products in Australia. The bill represents a major step by Australia to prevent the trade in illegal timber products both nationally and internationally. It will create greater certainty for Australia's domestic timber producers and suppliers and provide an assurance to consumers that the products they purchase are legally sourced.

We have to get our own industry back into some sort of economically sustainable condition so that we have enough local timber to supply our markets, put our foresters back to work and grow that industry. We should ask ourselves why we need such a bill. Australia has been under pressure for years now to ensure that our product is legal and certified to the highest world standard, which it is. But by certifying all export timber, it adds considerable cost to the processes. If we allow the import of timber that does not have that certification, we are doing damage to our own businesses and markets. Australia imports approximately $4.4 billion per annum of timber products—excluding furniture—or 0.034 per cent of global production. Of these imports, the proportion of illegally logged timber is estimated at nine per cent or around $400 million, so the damage to our industry will be quite significant if we keep allowing this to continue.

With the passing of this bill, it will be an offence to import timber products containing illegally logged timber, with a penalty of five years imprisonment for breaching the prohibition. Australia's share of the social and environmental costs of illegal logging,
therefore, can be estimated to be about $23 million per annum. For many years illegal logging has been recognised as a significant global problem due to its impacts on forest degradation, climate change, habitat loss and community livelihoods in developing timber-producing countries. Deforestation and degradation of tropical forests in the Asia-Pacific through illegal logging also constitutes a threat to Australia promoting legal and sustainable forest management in the countries of this region. The problem is exacerbated through lack of measures in timber consumer countries to restrict or prohibit the importation of illegally logged timber and wood products. In response, major timber consumer countries such as the United States and the European Union are implementing measures to prevent trade in illegally logged timber and wood products. Timber producing countries such as Indonesia are also developing timber legality verification schemes to reduce illegal logging and demonstrate the legality of their timber products to their trading partners.

We have the idiotic situation in Australia where we are developing a highly sustainable and certified industry and our biggest critics, the Greens, are paying scant attention to the illegal logging going on overseas and driving our potential customers to go to places like Indonesia and Papua New Guinea for their supply. It makes no sense at all. While we are highly regulated in Australia, both for harvesting and for our exports, the local industry relies on self-regulation to verify the legal origins of imported timber and wood products. This is undertaken through a mix of voluntary procurement policies and procedures. In some cases, importers assess the risk of products being sourced illegally and put in place arrangements to verify that the products come from legally logged sources. The definition of 'illegally logged' in this instance means harvested in contravention of the law in force in the place, whether or not in Australia, where the timber was harvested. The challenge of prescribing individual requirements in a definition is complicated by the range of legislation, given the number of countries—85 in total—from which Australia imports timber products. An unintended consequence of the prescriptive definition of 'illegally logged' is that it may result in some elements of applicable legislation being overlooked or excluded through omission.

The current arrangements are considered by industry to be inefficient because not all businesses undertake any form of due diligence or legality verification and may obtain an unfair cost advantage by sourcing and selling cheap illegal timber. Legitimate operators are also uncertain what constitutes an adequate level of due diligence under the voluntary arrangements. This situation has led to inefficient, highly variable, potentially inadequate legality verification practices, with industry having a limited capacity to resolve this matter through self-regulation. A more structured approach is therefore required.

The Australian government's policy objective is 'to combat illegal logging and associated trade by establishing systems that will promote trade in legally logged timber and, in the long term, trade in timber and wood products from sustainably managed forests'. The government is seeking to meet this objective by identifying illegally logged timber, restricting its import into Australia and requiring disclosure of species, country of harvest and certification at the point of sale. Any regulation to identify and restrict the importation of illegal timber into Australia would similarly apply to the domestic industry. The idea is to identify the multiple elements described in this
government's election commitment for what would be defined as illegally sourced timber.

To provide a workable definition that can be assessed using legality verification systems, it is proposed that legally sourced timber products are defined as those where timber suppliers have right of access to the forest, complied with the legal right to the harvest and paid all taxes and royalties. Establishing a framework for promoting trade in legally logged timber is an important step towards achieving the government's ultimate goal of promoting trade in timber and wood products from sustainably managed forests. The illegal logging policy objective provides a further demonstration of the government's commitment to the principle of environmentally protected and sustainable forest management.

Each country is different and standards vary depending on the degree of development. That is why this bill is important: we need to have a certification process that has world acceptance, not the lowest common denominator of assessment. We want to pull the standards up to ours, not diminish them to Third World standards. That way, we can not only ensure that any timber product that comes into Australia has the highest standard of sustainable timber verification in the world but also work towards assisting other countries to improve their standards of forestry to a properly sustainable level.

Why should Australian workers lose their jobs because we import wood from countries with unsustainable, unsafe practices and questionable workplaces, as can be seen in developing countries? These countries need to know that there are big gains to be made by replanting after harvesting, caring for the soil and training their workforce on safety issues, and who better than Australian timber workers to help them? In a press release yesterday, the National Secretary of the CFMEU, Mr Michael O’Connor, stated:

Workers, their families and their communities are holding on for grim life in the face of imports that unfairly undercut them. They expect urgent action from their representatives.

The cost advantage that imported manufactured illegally logged wood products unfairly enjoy over manufactured products that utilise legal timber is conservatively estimated to be 20 per cent of the total cost of production.

Wood products represent the second largest sector in Australia’s manufacturing industry and cheap, imported products are costing workers their jobs and killing their communities.

We had bipartisan support for taking action on preventing imports of illegally logged timber and imported wood products that utilise it. We have had three separate inquiries, each of which has recommended action.

Further delays are not acceptable and not feasible for timber processing and wood products manufacturing workers, their families and their communities. Their livelihoods are on the line.

Mr O’Connor from the CFMEU is exactly right: Australia is certainly losing out. Australia has to compete on costs now, but if there is similar certification across the region then it evens out the competition so that all timber products from South-East Asia, and including ours, will compete on the quality of the wood and its use rather than its method or legality of harvest.

At a time when forestry and its products are being very carefully scrutinised, especially in Tasmania, this bill is important to ensure the standards we expect in Australia can be extended to all products that come into the country. As everyone well knows by now, Tasmania is going through massive structural change in the forest industry, brought on by some terrible practices of the Greens, who have brought disrepute on our state and our markets for completely selfish reasons. In fact the Greens have a lot to answer for in Tasmania, with
the slump in the economy. So it is even more important that we get certification right. I believe we already have more than world's best practice, but if we have to turn more somersaults, spell out more clearly what we do and how we do it then so be it. But under no circumstances can we see workers lose their jobs because Australia is importing illegally logged timber with slack or lower standards of assessment of harvesting practices. Our neighbours to our north can and must come to a world-accepted standard; we need an accreditation process acceptable to all so that we can all go forward.

Timber is a renewable product with a very small carbon footprint. It has much advantage over many other products that we use in day-to-day activities. I fully support the intent of this bill and hope that it passes quickly so that it can give a lift to those who work in this very sustainable industry not only in Tasmania but right throughout Australia. If we allow proper process and make this bill work properly it will be of advantage to this great industry, the timber industry of Australia.

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (11:20): I rise to speak on the Illegal Logging Prohibition Bill 2011 and note that the coalition has circulated an amendment to this bill which, in effect, is to delay the start-up of the proposed legislation and the penalties and regulations under it until such time as adequate consultation with industry and with our trading partners has occurred.

I regret to say that a hallmark of this government has been the spectacular inadequacy of its consultation processes with relevant parties before it acts, and then it acts to our country's detriment. The live cattle export ban is a signature example of this government's failure to consult, and then to act to our country's detriment.

During the last parliamentary sittings the Trade Subcommittee of the Joint Standing Committee on Foreign Affairs, Defence and Trade delivered a report on this bill. A principal recommendation of the majority report, recommendation 3, states:

The Committee recommends that the Illegal Logging Prohibition Bill 2011 be passed.

I was a member of that committee and I was led to believe that there would be a caveat adding, 'subject to the penalties under the act and the regulations having effect from 1 January 2013'.

This was in order to give recognition to the idea that the legislation be aligned with the regulations. However, this caveat did not make it into the report as delivered to the parliament. The coalition members of the subcommittee recommended that the bill not be passed until the draft subordinate legislation had been finalised and had been the subject of further, extensive, community and international consultation. There was evidence to the committee of a lack of consultation, and that was recognised in part by the committee in recommendation 1, which said:

The Committee recommends that the Government continues to consult closely with the Governments of Canada, Indonesia, Malaysia, New Zealand and Papua New Guinea and other relevant stakeholders on implementation of the bill and the development of subordinate legislation.

This was just a diplomatic way for the Labor members of the committee to reflect the evidence that the government had not consulted properly, let alone closely. The second recommendation was:

The Committee recommends that the Government facilitate Malaysia and Papua New Guinea’s representation on the Illegal Logging Working Group convened by the Department of Agriculture, Fisheries and Forestry.
This was again a polite way to acknowledge the concerns of those countries that had been left out of the consultation process.

Considering all this, it was our view that the bill should not be brought on for second reading debate until the first parliamentary session of calendar year 2014 at the earliest. Given the evidence as to how long it would take—it was estimated that it would take between 18 and 24 months—to properly carry out the necessary consultations and draft the regulations, the coalition now seeks that the amendment as circulated, which has an implementation date of July 2015, be adopted. Obviously we cannot expect this to be agreed to, and that is why we are raising our concerns today. We have raised our concerns with the minister and with the government on numerous occasions, so they have been discussed extensively with the government.

The coalition took to the last election a promise that we would support satisfactory legislation to prohibit illegal logging. However, given the shortcomings and failings of the bill, we are seeking this amendment. If there is the opportunity to bring into effect the legislation and the regulations, the end result will be a better bill based on extensive stakeholder consultation and the necessary alignment of the legislation and regulations. The coalition has major reservations about the policy process that has been conducted and about the government's failure to consult adequately—or, in some instances, at all—with those most affected by the legislation. The critical reason that we insist on our amendment is that it will delay the coming into effect of the legislation until the regulations associated with the bill have been drafted and released for consultation at home and abroad. We are of the view that the legislation, while supportable in principle, demonstrates further the chaotic policy processes that typify this government—in particular, the Minister for Agriculture, Fisheries and Forestry, who is sponsoring the bill. It is no coincidence that this minister, who failed so spectacularly to consult adequately and follow due process during the live cattle export fiasco with Indonesia, is the same minister who has his fingerprints all over this bill.

To explain the problems with the government's policy process, I turn to the purpose of the bill. The coalition supports the purpose of the bill, which is to stop the importation to Australia of illegally logged wood from other countries; the problems have to do with how this is to be done and the lack of adequate consultation. According to the government, the bill provides for:

- a prohibition on illegally logged and timber and wood products (with an additional prohibition on the processing of illegally processed raw logs)
- a requirement for industry to carry out due diligence to mitigate the risk of importing illegal logged timber into Australia.

That is all well and good. However, there are major questions about the compatibility of this legislation with World Trade Organization rules. This in turn raises questions about adequate consultation with our foreign neighbours such as Indonesia, with whom Senator Ludwig, the minister for agriculture, has already done his utmost to destroy a relationship that successive governments have dedicated decades of work and effort to establish. I am surprised to find that the Minister for Trade and Competitiveness, who is always quick out of the blocks to condemn even the merest sniff of contravention of WTO rules, has not uttered a peep about this legislation.

This legislation also went before an inquiry of the Senate Rural and Regional Affairs and Transport Legislation
Committee. The Indonesian government's submission to that inquiry was quite alarming. The Indonesian minister of trade personally wrote to the committee on 25 January this year, prefacing his remarks by stating that the government of Indonesia:

... fully supports the bill's overall objective to reduce the harmful environmental, social and economic impacts of illegal logging as well as to impose penalties on those who import illegal logged timber into Australia.

However, the minister then stated critically that the Indonesian government 'regrets that our cooperation has not been sought to date on the best means to address the aims set out.' The Indonesian government is right to be concerned by the cavalier attitude of the Labor government to our bilateral relationship with Indonesia. I well recall the Oceanic Viking debacle, which fatally undermined the cooperative relationship that the Howard government had established with the Indonesian government. As the Indonesian foreign ministry's director of diplomatic security, Dr Sujatmiko, said in a press statement in late 2009:

This will be the last time we are helping Australia deal with its foreign refugee influx problem.

So the Labor government was put on notice.

The Indonesian trade minister in his submission to the trade subcommittee criticises the Australian government for not listing which timber products the bill applies to. This is an obviously important omission, and it indicates why the coalition is seeking a deferral of the starting date of the legislation. Offences are contained in the legislation, yet the basis of the offence—including which timber products the bill applies to; and these offences carry penalties—is all to be left to the regulations. So the evidence that came before the trade subcommittee was deeply concerning; parties could be prosecuted under the legislation, but the details of the offences would not be available until regulations were drafted.

It was admitted in evidence to the committee that prosecutions could occur, but people would not know the basis of those prosecutions—of the offences. The Australian Financial Review, reporting on 6 March 2012, referred to the chaotic approach and the impact this was having on our relationships with our neighbours. It said: Australia’s relationship with Indonesia is under new strain, with Jakarta frustrated by the federal government’s “dysfunction” and neglect of its relationship with its near neighbour.

And that:

Indonesia’s Trade Minister, Gita Wirjawan, has blasted the Gillard government's lack of consultation over an illegal logging bill which he says threatens the future of Indonesia’s $5 billion export forestry industry. He is threatening to lodge a complaint with the World Trade Organisation if it proceeds.

The Indonesian minister maintained that they have a low cost alternative to the heavy regulation proposed in the Labor government's bill. He maintained the Indonesian timber legality and assurance system provides adequate protections. If the Australian government were to consult over this proposed course of action, there would be an opportunity to massively reduce the red tape and regulation.

The Indonesians are not alone in their observations. In their submission to the Senate inquiry of 20 December 2011, the Canadian government noted their concerns:

The implementation of the bill and subordinate legislation may impose unnecessary burdens on trade in forest products from countries with effective legislation supervision and discourage imports of timber products into Australia.

And that:

As a result of the imposition of greater burdens on imported timber products the implementation of the bill could favour processing of timber.
products in Australia to the detriment of Australian consumers.

The New Zealand government also made a submission to the Senate inquiry, stating that:

The implementation of the bill has the potential to have a significant negative impact on New Zealand's forestry industry, an industry almost entirely based on privately owned plantation forests that are established specifically to be harvested.

Further, well-known authority on WTO matters and former ambassador to the General Agreement on Tariffs and Trade Alan Oxley made a submission to the Senate inquiry, stating that the bill:

Fails to meet Australia's obligation under I.1 of the General Agreement on Tariffs and Trade 1994 not to create advantage for the like products from some parties to the Agreement and not others and is not covered by other provisions in the Agreement.

He went on in his submission of 10 January 2012:

It breaches Australia's obligations under Article XI.1 of the General Agreement on Tariffs and Trade 1994 not to use restrictions of any kind other than duties, taxes or other charges on the importation of any product and cannot be justified under other provisions of the Agreement.

He went on to say:

It fails to meet Australia's obligations under Article 7(1) of the ASEAN-Australia-New Zealand Free Trade Agreement which mirrors the terms of GATT 1994 XI.1.

Mr Oxley regards the bill as containing:

... particularly onerous and costly obligations on Australian producers to demonstrate product in Australia is legally produced.

And Mr Oxley notes that this is a critical issue for our trade not only with Indonesia and New Zealand but also with Canada. And, according to his submission, 'timber products are imported from Canada, members of the EU, Indonesia, Malaysia, New Zealand, Papua New Guinea, the Solomon Islands and Vietnam'. So Australia does not simply face potential action under the WTO from Indonesia and Canada but from a whole range of other countries.

There are a number of other legal opinions that have discussed the possible international trade implications of this legislation. Associate Professor Andrew Mitchell and Glyn Ayres of the Melbourne University Law School have recorded a number of reservations about the bill in their opinion of 10 January 2012. Another legal opinion has been supplied by well-respected Melbourne barrister Gavin Griffith QC and his colleague Benjamin Jellis, dated 22 December 2011. They state:

The scheme and content of the Bill is so deeply flawed in its conceptual approach, based as it is upon the use of Australian courts to enforce the laws of foreign trading partners, that it should be abandoned.

Finally, there is another joint legal opinion from Associate Professor Tim Stephens and Professor Ben Saul at the University of Sydney. It has to be said that these two academics are more relaxed with the general provisions of the bill. However, they note the bill has problems in international law:

Australia may need to demonstrate that it negotiated in good faith with affected countries to secure its conservation objectives before resorting to unilateral restrictive measures.

The Australian timber industry are rightfully concerned about the red tape burden of this legislation. In the 12 March 2012 edition of Timber and Forestry E News, it states that:

Thousands of containers of wood products shipped for consumers and landing on wharves around Australia every month are likely to be impounded under regulations in the Illegal Logging Bill.

The bottom line is that there are many flaws to the legislation put forward by the
government. Our dissenting report to the trade sub-committee said that:

The Government has also indicated that the regulations will come into force two years after the Bill receives Royal Assent and also indicated that the regulations will be tabled in the Parliament within six months of Royal Assent to give exporters and importers time to establish due diligence. However, the Government also made it clear that parties could be open to prosecution during this two year stand-off. This lag between the Bill and the regulations is of genuine concern.

And the government:

…should not introduce the legislation until the enabling subordinate legislation is finalised, released for public comment and a satisfactory consultation period has taken place on both the legislation and the regulations.

For that reason the coalition has been reluctant to support the bill in these circumstances. We have done so because of our strong support for the principle—(Time expired)

Mr BANDT (Melbourne) (11:35): Illegal logging and the international trade in illegally logged timber is a major driver of environmental damage. It costs governments—especially developing country governments—billions of dollars in lost revenue, promotes corruption and undermines the rule of law and good governance. Overall, it retards sustainable development in some of the poorest countries of the world.

By definition, the scale of illegal logging is difficult to estimate, but it is believed that more than half of all logging activities in the most vulnerable forest regions—South-East Asia, Central Africa, South America and Russia—may be conducted illegally. Worldwide, estimates suggest that illegal activities may account for over a tenth of the total global timber trade, representing products worth at least $15 billion a year.

For too long, consumer countries, including Australia, have contributed to these problems by importing timber and wood products without ensuring that they are legally sourced. The breaking of laws on harvesting, processing and transporting timber or wood products is widespread in many timber-producing countries. By logging in protected areas, such as national parks, or having over allowed quotas, processing the logs without acquiring licences and exporting the products without paying export duties, companies may be able to generate much greater profits for themselves than by adhering to national laws and regulations.

The extent of illegal logging in some countries is so large, and law enforcement so poor, that the chances of detection and punishment are often very small and the incentives to operate illegally are correspondingly large. The impacts of these illegal activities are multiple. Environmentally, illegal logging depletes forests, destroys wildlife habitats and impairs the ability of land to absorb carbon dioxide emissions, with resultant impacts on climate change.

Physically, the destruction of forest cover can often have knock-on effects. For example, in December 2004 flash floods and landslides in the north-eastern Philippines killed over a thousand people. The government blamed illegal logging, which had denuded the mountain slopes.

In a budgetary sense, illegal logging loses governments revenue. A Chatham House briefing paper reports estimates from Indonesia that the government there is losing more than $1 billion a year in unpaid taxes and charges—and that is out of a total budget of about $40 billion in 2003.

Developmentally, future generations will suffer even more. World Bank studies in Cambodia in 1997 suggested that illegal extraction, worth between $0.5 billion and
$1 billion, was over four million cubic metres a year—at least 10 times the size of the legal harvest, and a level of harvesting that is unsustainable.

Socially, illegal logging undermines respect for the rule of law and of government, and is frequently associated with corruption, particularly in the allocation of timber concessions.

From a trade related perspective, as illegally logged timber is invariably cheaper than legitimate products, it distorts global markets and undermines incentives for sustainable forest management. A study published by the American Forest and Paper Association in 2004 estimated that world prices were depressed by between seven and 16 per cent—depending on the product—by the prevalence of illegal products in the market. This explains why the Australian forestry industry is largely supportive of this bill.

Politically, revenues from illegal logging have been known to fund national and regional conflict, most recently in Liberia and the Democratic Republic of Congo. In Cambodia, for several years Khmer Rouge forces were sustained primarily by the revenue from logging areas under their control. When, under donor pressure, Thailand and the Cambodian government cooperated to close their joint border to log exports at the end of 1996, the insurgents opened peace negotiations.

That is a summary of the bad news about illegal logging. But the better news is that, in recent years, producer and consumer countries alike have paid increasing attention to illegal logging. One of the main initiatives includes measures to exclude illegal timber from international markets—notably the EU's Forest Law Enforcement, Governance and Trade Action Plan. This initiative centres on the exclusion of illegal products from EU markets. The major problem with this approach, of course, is that there are currently no means of distinguishing legal from illegal products at the border. The EU's solution is, therefore, a new timber licensing system designed to identify the legality of production and relying on credible—probably independent—verification of legal behaviour at every stage of the chain of custody of the products. This is similar in effect to systems already in place in several international agreements, including the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the Kimberley Process on conflict diamonds, which feature licence or permit systems and tracking mechanisms designed to exclude particular categories of products from international markets. This bill is similar in its intent.

It is important to first emphasise that that the Greens are strongly of the view that much of the legal native forest logging in Australia is clearly contrary to the national and global interest. Further, while this logging is supposed to be controlled by a suite of laws, regulations and policies, compliance with these laws is uneven across the various states, and assertions about failures to comply are frequent.

However, today we are discussing the importation of illegally logged timber, and it is the case that, compared to the domestic situation, the extent of illegal logging in developing nations is far worse and our ability to prevent its import is severely limited. The only regulation that exists at the moment in Australia to control importation of illegally logged timber is the Convention on International Trade in Endangered Species. This convention targets only a limited number of timber products that have been derived from endangered species and, therefore, large amounts of timber continue to be imported into Australia without any
requirement for verifying its legality, other than through voluntary industry measures.

At the 2010 election the government committed to encouraging the sourcing of timber products from sustainable forest practices and to seek to ban the sale of illegally logged timber products through five identified measures. This bill represents the regulatory elements of the government's illegal logging policy, focusing on measures 3 and 4 of the policy. The government says that these regulatory controls will be complemented by investment in capacity-building and bilateral and multilateral engagement. That is appropriate and follows the European approach and, of course, the Greens will be scrutinising this investment.

In order to determine the most effective policy approach to implementing the regulatory aspects of this election commitment, a regulation impact statement was undertaken by the Department of Agriculture, Fisheries and Forestry. The regulation impact statement outlined three options that may achieve the objective of changing the behaviour of timber producers by directly limiting opportunities for the production and trading of illegal timber. These options were: quasi-regulation with codes of conduct enforced by industry; co-regulation, using a prohibition element and a requirement for due diligence; and explicit regulation requiring a minimum standard for verification of legality.

The bill reflects the due diligence co-regulation approach identified in option 2 of the regulation impact statement. The key regulatory elements of the bill are a prohibition on illegally logged timber and wood products, with an additional prohibition on the processing of illegally processed raw logs and a requirement for industry to carry out due diligence to mitigate the risk of importing illegally logged timber into Australia. We acknowledge that this represents a significant step by Australia to prevent the trade of illegal timber products both nationally and internationally and although it has been a long time coming we welcome the effort, although I do flag some concerns. Further we also acknowledge that stakeholder consultation during the course of developing this bill has been broad.

As described in our additional comments in the recent Senate Rural and Regional Affairs and Transport Legislation Committee report, the Greens are generally supportive of this bill but believe that, in a number of areas, the balance between providing clarity in the legislation and allowing for flexibility in drafting regulations has not been well struck.

Greater clarity will be important in the following areas. Firstly, it will be important in the definition of 'illegal logging'. Numerous stakeholders, including the timber industry, timber retailers, and environmental and social organisations agree that the definition of illegal logging should be expanded. The Greens are not persuaded by the government's reasoning that an unintended consequence of a prescriptive definition of 'illegally logged' may be that some elements of the applicable legislation are overlooked or excluded through omission, and we retain the view that the Australian definition should be consistent with the EU definition.

Secondly, as far as due diligence is concerned, the Greens can find no reason why the due diligence provisions relating to the declaration form should remain unclear. The bill should specify that the declaration form must include detailed information critical to satisfying due diligence. There would be a range of information from name of importer and name of supplier through to...
vessel name, voyage number and, of course, quantity of timber. We emphasise, in particular, that the due diligence requirements must provide for traceability to coupe level and an assessment of the risk of illegality due to corruption. There is evidence around the world of companies paying bribes to officials to secure the 'legal' allocation of logging rights. Corruption criteria must allow for scrutiny of the logging permit application process.

Thirdly, as to assessing and reporting compliance, the Greens agree with Greenpeace that, in order to determine the levels of compliance and assist in assessing the standards used in due diligence documentation on an ongoing basis, the bill would benefit from a requirement for regular, preferably quarterly, compliance audits and aggregate data reports. As noted by the committee report, having annual compliance audits was a measure proposed by DAFF following the legislation committee's report, and the minister's office did not appear opposed to its inclusion.

I flag that my Senate colleagues may move amendments in the other place reflecting these concerns but, subject to those comments, I commend the bill to the House.

Mr BRIGGS (Mayo) (11:46): I rise to speak on the Illegal Logging Prohibition Bill 2011 before the House and the amendment circulated by the coalition in this respect. I begin by saying that I have a great concern about this bill passing the House and the amendment circulated by the coalition in this respect. I support the move by the coalition with its amendment but, in any event, I do not support the thrust of this bill and the direction it is taking.

Mr Jenkins: But you'll do the right thing.

Mr BRIGGS: I will take this opportunity to congratulate the former Speaker, the member for Scullin, on his announcement and on a fine career.
quite outrageous provisions in bills such as this which puts on, in effect, a trade protection against very important trading partners. And I think it shows up the trade minister for a singing and dancing sideshow of a trade minister, when he should be fighting—as, in fairness, the minister for regional development has been—against this play by the Greens to insert their activism through trade policy.

This has undoubtedly done further damage to an already damaged relationship with Indonesia. We have seen this week this House dealing with a bill to try to undo the damage of the Labor government's changes to border protection laws four years ago. Obviously, and importantly, the Indonesian relationship is vital in ensuring that our border protection is looked after and is competently managed. It can only be competently managed if the Indonesians are cooperating. Now, of course, if we continue to use legislative instruments, and we continue to take action such as shutting down the supply of food overnight, we will bear the consequences of those actions, quite obviously. Another sovereign state is entitled to react if Australian domestic law tries to manage or govern the actions of another government, and that is exactly what this bill is seeking to do with developing countries.

If the truth be told, the biggest issue with illegal logging is that it is occurring in developing nations; it is a challenge for developing nations. Rather than act like some sort of—dare I say it—Green deputy sheriff in the region, maybe we should be trying to work with these nations to ensure that they can continue to develop so that they have stronger internal, domestic structures, so they can themselves take action where appropriate, rather than trying to use Australian domestic law, through trade policies, to insert these Green purist pursuits, when the truth is that the real intention of the Greens is to shut these industries down.

We have seen it in Tasmania. I heard the honourable member from Tasmania speak on this bill just before and he made the point that the green activism and the forestry debate in Tasmania has done so much damage to his state. Of course it has, and now we are seeing it through our trade policy.

It is shameful that the Minister for Trade and Competitiveness in this Labor government, who claims to be an inheritor of the Hawke and Keating legacy, would stand by while this action is being taken. The minister for trade realistically should explain to this House why and how he thinks it is in Australia's trading interests to be pursuing these Greens policies through this bill and others. It is another example of the most insidious part of this Green-Labor coalition. On the second anniversary of the 'there will be no carbon tax under a government I lead' announcement, we have another example where the Labor government has completely lost its way in ensuring that good, open and free trading arrangements are put in place to the benefit of our country, not policies which damage our relationships with such important allies and trading partners in our region, such important countries to Australia's future.

Mr Deputy Speaker, you know very well that the Indonesians in particular will provide such a great opportunity for our country in the coming years. Why would we consistently and continually poke them in the eye when it comes to our trading arrangements with them by using Australian domestic actions and law to try to force change in their own sovereign country? It is a terrible, terrible piece of legislation and I cannot support it in the form in which it is drafted and as it appears before the House. I
am not alone in that. There are other members on this side who hold grave concerns in relation to this bill.

The Indonesians themselves have made it very clear that they think this is a disastrous bill. As the deputy leader said earlier, on 6 March this year there was a story in the Financial Review which said:

Indonesia's Trade Minister … blasted the Gillard government's lack of consultation over an illegal logging bill which he says threatens the future of Indonesia's $5 billion export forestry industry. He is threatening to lodge a complaint with the World Trade Organisation if it proceeds.

Similarly, submissions from Canada, New Zealand, Malaysia and Papua New Guinea to the Senate inquiry have also expressed concerns with the bill. There have been a range of legal experts in Australia and international trade experts who have said similar things and expressed similar concerns. Yet the trade minister stays unusually silent over there when it comes to these concerns. It is a real shame that the trade minister will not come in and express his concern along with us and have this bill changed or amended enormously before it goes ahead.

We make the point through our amendment that these concerns that have been raised by important trading partners, by neighbours and by developing countries in our region have not been the subject of the full consultation that is required at the very least before this bill proceeds. At the very least, the amendment that we put forward seeks to address that to some degree, giving the government additional time. But, as I say, I am still extremely reluctant and I am against the thrust of this bill because I think it ultimately does little if anything to reduce illegal logging in developing countries in our region. But, at the same time, because it is purely a protection measure in its nature, it will inevitably increase the cost of timber for consumers in Australia.

We know that that is an open policy position of the Greens, in fairness, to protect the Australian industry, and we heard the member for Melbourne outlining that just then. But we see the Labor Party completely split when it comes to these issues and whether to continue down the path that Hawke and Keating pursued in the 1980s and 1990s or whether to go back to the good old ways that the Secretary of the AWU, Mr Paul Howes, and the new Secretary of the ACTU, Mr David Oliver, would like the Labor Party to pursue. That is the old-fashioned protectionist economy, the settlement economy that existed in Australia prior to the 1980s. This is another reason that this bill should offend those of good economic conscience on the other side who believe that Australia's future best lies with an open and trading economy, because this bill completely offends those principles. Thus I cannot in good conscience support it.

It also has to be remembered that this is another example of Australia using its diplomatic power in the wrong way. I would have thought we want more than anything to develop better relations in the Pacific region. I know the government has put effort into that through the member for Corio, the Parliamentary Secretary for Pacific Island Affairs. That is an important step, an important issue for us to pursue. It is very important that Papua New Guinea, Fiji and other countries in our region continue to develop as we wish them to and that their populations continue to enjoy a better standard of living, more opportunities and all the great things that Australians get. We can and do play a very important role in that, but what we should not do with our role is misuse that power with bills such as this. We should not use domestic law to in effect threaten other countries—developing

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countries—or tell them what to do with their sovereign nations, how they should run their sovereign nations and how they should enforce good law in their own sovereign nations. There is indeed a better way to pursue this issue.

There are questions raised about the amount of illegal logging going on and how big a problem this is. The member for Melbourne asserts that it is an enormous problem, that it is causing great carnage. There are others who say that is not the case. In any event, this is clearly a development issue. It is not an issue of criminality; it is an issue of development in those regions. The more and the quicker we can encourage and assist by good economic development measures and good governance measures our developing neighbours to ensure they have very strong operational domestic laws and strong domestic economies, the better and quicker we will be able to address—or they will be able to address, more importantly—some of these concerns.

We can assist through that, and indeed we do. We do good work, and I think the member for Corio has done some good work in his efforts to ensure that in our region we are working for a way to have faster and better development in those countries.

But this is not the way to do it. This is wrong-headed, bad policy. This legislation will cause damage to our reputation with the World Trade Organisation. It runs counter to the pursuit of an open and trading economy that the Australian government has held to, in a bipartisan manner, for the last 30 years, as you well know, Deputy Speaker Leigh. There are of course always people who are concerned about open and trading economies and the pursuit of free trade mechanisms and agreements and so forth. But, ultimately, we know from the evidence and from the benefits of the rise in living standards Australians have enjoyed since those policies have been pursued in a bipartisan manner that they have led to far better outcomes in our country and in developing and developed countries around the world.

This bill runs counter to that, and that is why it is such a bad bill. It will not stop the practice of illegal logging. It will increase the cost of timber in Australia and it will damage our international relationships with very important trading partners at the wrong time, when they are already under pressure. It is a bad bill and it should not be supported.

Ms Marino (Forrest—Opposition Whip) (12:01): The Illegal Logging Prohibition Bill is intended to do a number of things: prohibit the importation and sale of all timber products containing illegally logged timber; prohibit the processing of illegally harvested domestically grown raw logs; require importers of regulated timber products and processors of raw logs to comply with due diligence requirements; require the accurate description of legally logged timber products for sale in Australia; establish enforcement powers and offences; impose penalties; and provide for a review after five years. However, none of the regulations are available to us at this time to consider.

What the government has not done, however, is give our trading partners, our domestic timber industry and timber importers the time they were promised to design and implement appropriate systems to go with this particular bill. There are many flaws with this bill, as we have heard throughout this debate. A number of them were outlined by the member for Curtin. That is why our support for this bill is contingent on the government accepting our amendment, which sets the commencement date of the legislation and regulations at July 2015.
This has to be a managed process, one that gives our partners, our domestic timber industry and our timber importers the time they were promised to design and implement the appropriate systems. It is no wonder that Australia's six major timber trading partners are so concerned, and we have heard the reasons for those concerns outlined today. There are not only those concerns but also those of our domestic timber industry and our domestic timber importers.

There are no regulations attached to the bill. We know from experience in this place that you cannot trust this government to get it right. We know that the devil is always in the detail. We have not even seen the regulations. We have seen disastrous pieces of legislation, disastrous processes and disastrous programs one after the other through the life of this government. The list is endless. I have heard today references, particularly in relation to this bill, to the live cattle fiasco. And we know that the same minister is involved. We can have very little confidence that the regulations will do what they are intended to do or will in fact be able to address any of the issues contained in this bill. We know that the government has failed to consult and, as a farmer and beef farmer, I know first-hand the damage that was done to Indonesia through the overnight decision on live cattle exports. We know how Indonesia views that. I also know of the increase in the price of protein in Indonesia, for people who can ill afford it, as a result of that decision.

The Joint Standing Committee on Foreign Affairs, Defence and Trade minority report confirms two major issues previously raised through the Rural and Regional Affairs and Transport Committee. These relate to concerns with regard to the detail—the devil in the detail—and that is why we have taken the position we have. There has been inadequate consultation. There are concerns regarding the ability of the government to develop the regulations in a timely manner. Will they be ready on time? We heard the member for Curtin say that they would not be—you can be prosecuted, but, no, we are not really sure what the terms and conditions of that are.

The inadequate consultation was raised in the minority report. The Department of Agriculture, Fisheries and Forestry estimates that they can produce the regulations within six months, but evidence submitted to the inquiry indicates that little progress had been made on the contents, and fundamental issues remain unresolved.

We on this side of the House are committed to addressing the trade of illegally sourced timber and timber products. It was in fact part of our 2010 forestry policy. But we do not underestimate the issues in managing and adapting to any changes facing industry and stakeholders, which is why our policy provided for a two-year transition period.

We also understood that all impacted stakeholders, many of whom we have heard from today, need to be consulted closely on the drafting of the legislation, the
regulations—the things we are discussing today—and other related measures, which is exactly what this government has not done, yet again. It is just a pattern of behaviour: always finding the wrong answer to whatever the question is before us. That is the reason for our amendment.

Recommendations 1 and 2 of the Joint Committee on Foreign Affairs, Defence and Trade report acknowledged the flawed and inadequate consultation process associated with the development of this bill. And they made a recommendation that the government should continue to consult closely with the governments of Canada, Indonesia, Malaysia, New Zealand, Papua New Guinea and other relevant stakeholders on the implementation of the bill and the development of the subordinate legislation. That is very important: what are the requirements; how will they work; what are the obligations; what are the penalties. The joint standing committee also recommended that the government facilitate Malaysia and Papua New Guinea's representation on the Illegal Logging Working Group, convened by the Department of Agriculture, Fisheries and Forestry.

As I said, we are committed to addressing the trade in illegally sourced timber and timber products. But I just want to refer to the WA situation. In Western Australia we have largely led the way in dealing with deforestation issues. In fact, it was led by Sir Charles Court, who imposed some clearing restrictions in the sixties and seventies. Large-scale clearing is generally a thing of the past. But what we did see, which is another example of where the actions of a Labor government cannot be trusted, was that in 2001 the WA timber industry, and timber communities— it comes right down to the ground level, as it will in the nations we are dealing with on this issue— were thrown to the wolves by the Gallop Labor government. Change came dramatically, a bit like the live cattle export situation, and it was full of deception. That concerns me with this bill as well. The state Labor government told the wider community they would end old-growth logging but told the timber industry that this would have a minimal impact on their lives and the communities. What a deception. Timber companies were told that, despite most of the larger logs being excluded from harvest, the quality of sawn logs they would receive would not change—and, sadly, at the time many actually believed the Labor government in WA. The truth has now been brought home: there was a major impact in some of these communities, with job losses and impacts on the whole community, especially in the Manjimup region—and that was part of my electorate when I was first elected. That is what happened in Western Australia. So if this bill is progressed, and these issues are not well managed, what will it do in developing nations? What will it do to people on extremely limited incomes?

We do know that, under the current legislative regime, the Australian industry is very well managed. But for my electorate, again, I will place on the record that many in the south-west retain about 80 per cent of native forests. But members should note well that the areas that have an active timber industry over many years tend to retain significant areas of native forest, whereas in regions where the native forest is not valued, and is harvested for timber, little forest was left intact. It is this value placed on timber and forests that in many areas has resulted in its salvation.

It is a source of constant irritation, and I would say anger, to the timber industry that, despite being vilified by the Greens, and in recent times the Labor Party, they are in part actually responsible for the continued existence of so many of our remaining
forests. We do know there has been a recent decline in deforestation in Australia. Compared to other nations around the world, our forests are relatively well managed.

As a result of this bill I have to raise the issue of developing nations and how they will be able to sustain not only their populations but also some of their forests into the future. For the billions of people living in or near poverty, the use of timber is often as a fuel source and a building material—it is not because of want but because of need. This is something we need to consider in this whole process. Poverty may be the reason the person is harvesting remaining forests. It may be to warm and shelter their family. They may have to harvest their last remaining forests to provide income for food or other necessities. It is going to be a pretty basic decision for some, and it is on a daily basis. So, until the living standards of the populations and the standard of governance rise significantly, it is clear that those forests in developing nations will remain under threat. The threats are significant, but I ask the House to remember that this bill only applies to illegal logging, and does not address the threat of unsustainable legal deforestation.

Our concerns with this bill are very valid. When I listen to the matter articulated by the member for Curtin, the shadow minister for foreign affairs and trade, this really does absolutely need to have scrutiny. The regulations do need to be provided. We do need to see the devil that could well be in the detail, and that is why I fully support the coalition amendments.

Mr TEHAN (Wannon) (12:13): As I have written publicly in two opinion pieces, one in the Herald Sun titled 'Greens can't see the wood from the trees' and the other in the Australian, 'Policy tainted by Greens agenda', I believe this is bad legislation, supported by bad policy, and should be opposed. There are five main reasons I think this bill should be opposed, but there are many more I could go into detail on. The first is that it sets a dangerous precedent. The second is that it will increase costs for Australian business and achieve nothing. The third is that it is already damaging our trade relations, in particular our trade relations with our near neighbours. Fourth, it is the Gillard government's way of further embedding Bob Brown's legacy in Canberra. We have seen the damage that has done to Tasmania. Well, this is Bob Brown coming to Canberra and coming to our trade policy. And the last reason is that there is a better way to deal with this issue. There is an alternative which would not cause the damage to our trading relationships that this bill will, which would not cause our businesses to have extra costs and which would not embed Bob Brown's legacy here in Canberra. And that is the approach we should take.

As we would with any crime, all of us in this place would like to see illegal logging stopped. But this is the wrong way to go about it. This legislation embeds the principle that the Australian government will restrict imports if other countries do not apply our environmental standards. It is unilateral in nature. I warn all members of this House that once we head down this path other countries will be emboldened to use such laws against Australia. And who stands to lose the most if that occurs? It is our agricultural exporters.

I call on the member for Lyne and the member for New England and say to them that this is an issue that you should look extremely closely at and on which you should stand up for your electorates. In the longer term this bill, while it may make us feel a little bit better, will harm especially
our rural industries. I hope they are looking at this closely—looking at all the arguments for and against, looking at all the evidence that has been presented to the committees that have looked into this bill—and are thinking about whether they should support it or not. If they did that, I would find it very hard indeed to see how they could support this piece of legislation. I would point them in particular to the last hearing held into this bill, which was of the trade subcommittee. Three compelling arguments were presented to that subcommittee as to why this bill should be opposed.

As soon as it enters into law, the Illegal Logging Prohibition Bill will cause uncertainty in Australia's timber trade, because importers will not know what the precise impact of the legislation will be until the regulations are enacted. It will basically chill timber trade between Australia and its regional partners, and that will cause those countries to look at their trading relationship with Australia. We heard evidence that the Gillard government's consultation process throughout its development and implementation of this bill has been flawed. One of the key criteria for implementing this legislation was to do the consultation properly. If the consultation had been done properly, we would not be here today; this legislation would not be before the House. But the government itself admitted that it has been making up its consultative approach as it goes along. It said:

As the more detailed process of developing the regulations is now underway, more in-depth consultation with stakeholders is being and will be undertaken to assist their development and to ensure they operate as intended.

So the evidence to the trade subcommittee from the government itself is that its consultation has been nothing short of a debacle and that it is still trying to work out how it is going to go about it, who it is going to include and what the basis for doing that consultation will be.

The second thing that became very clear from the trade subcommittee was that the content of the bill and the way it has been handled has already caused harm to our trading relationships and, if passed, the bill will lead to more harm occurring. The Indonesian government, already irritated by the way Australia placed a temporary ban on live cattle exports, made clear in its submission:

The implementation of the Bill is also likely to undermine the development of trade between Indonesia and Australia based on our respective mutual interests.

In this respect, reference is made to the recent efforts of the government of Indonesia to accommodate and resolve the problem faced by Australia during the self-imposed ban on beef exports to Indonesia. As someone who was previously a diplomat, I know that you need to read this language and see what the Indonesians are saying. They are saying to us: 'Australia, we are your largest beef export market. We are your largest wheat export market. And what you are doing by introducing this piece of legislation is jeopardising that.' That is what the Indonesians are saying, and we should respect them for saying it—for having the courage to tell us what this bill is all about—and we should heed that warning. We have already done irreparable damage to our trading relationship with Indonesia with the live cattle fiasco and we are trying to repair that damage.

Yet, here we are, only months down the track from that decision, and we are going to do something which is going to irritate—this is putting it mildly—the Indonesians again. Have we not listened and learned from what the live cattle debacle did to the domestic industry in Australia? Do we want to do worse again to our beef and wheat exporters...
and our other agricultural industries? We need to learn, and we are not learning by this piece of legislation.

The third issue about this piece of legislation—once gain, there was evidence presented on this—is that it is unsound in international law. Given that there were divided legal opinions on the bill surviving legal challenge in the WTO, why would we be looking to go down this path? As a country with credentials as an upholder of the rules and regulations of the World Trade Organisation, why would we jeopardise that reputation by heading down this path when there is divided legal opinion on this?

In its submission to the trade subcommittee the government of Canada noted this and made it very clear to Australia that we should think again about heading down this path. The government of Canada said:

While Canada has concerns related to some of the potential trade implications of the Bill, Canada is pleased that the Government of Australia is committed to ensuring that the Bill and associated regulations are consistent with international trade obligations, that they treat importers and domestic processors of timber equally, and that they are not trade distortive.

So, once again in diplomatic language, the Canadian government is telling us: 'You have serious WTO commitments which you need to honour. And you need to look at this closely with regards to those commitments.' 'And if there is divided legal opinion on whether you are doing the right thing,' the Canadian government is very politely telling us, 'you should think again.'

This is something which Papua New Guinea made clear in that same subcommittee hearing. The Papua New Guinea Forest Industries Association pointed out that the government of Indonesia has already foreshadowed the possibility that the bill will not meet WTO requirements and will remain challengeable under the WTO.

Expert legal opinion by Professor Andrew Mitchell of Melbourne University indicated that the agreement would pose problems with WTO compliance as well as compliance with the ASEAN-Australia-New Zealand Free Trade Agreement.

The evidence is there as to why we should pull back from this bill. When it comes to our domestic industry we have to remember that this bill makes it a criminal offence to import illegal timber. I draw the House's attention to the recent hearings in the US Congress on the Lacey Act, which, in 2008, included illegal logging under its remit, and to what that Lacey Act has done to small businesses in the US who have unwittingly imported illegal products into that country.

In particular there was testimony from a small US businessman who ended up in jail as a result of, through no fault of his own, importing illegal product into the US. The testimony is compelling. His business was destroyed. His marriage was destroyed. He is now on a campaign to point out the absolute dangers of unilateral pieces of legislation like the Lacey Act—and like this Illegal Logging Prohibition Bill—and the impacts that they can unwittingly have, especially on small business people in countries like the US and Australia.

I would hope that the trade minister would see the damage that this piece of legislation is going to do to our trading relations, especially in Asia. I would hope that he would see the principle that has been embedded in our trade policy because of this bill. I would appeal to him to remember his time with the Hawke and Keating governments and his boasting of what that period of Labor government did to improving our trade principles and our trade
record, and say to him, 'Pull this legislation before it's too late.'

I also appeal to the member for Lyne and the member for New England to look very closely at this bill and think about their electorates and oppose it. It is bad policy. It is bad legislation. There is a much better way. We can liaise and cooperate with the countries where illegal logging is taking place. We can provide them with assistance. We can put the certification processes in place to help them. We can encourage them. And we can do that in a way which will fix illegal logging and will remain true to our trade principles.

Mr RAMSEY (Grey) (12:28): I rise to speak on the Illegal Logging Prohibition Bill. Saying we are against illegal logging is really making a motherhood statement. Virtually all of us are against illegal logging. We are opposed to poverty, we are in favour of world peace and we are against illegal logging.

There are no arguments with attempts to halt illegal logging. There are lots of good reasons to do so: loss of biodiversity, loss of income to the country of origin and the fact that illegal logging is of itself a theft and that it entrenches corruption and it causes land management issues with degradation of soils unless, of course, they are replanted and managed correctly. If they are not, it becomes a major contributor to greenhouse gas emissions. So we are agreed that most if not all Australians are against illegal logging, so the question is not about our intent but what we do about the problem.

Well, one thing we should not do is play the role of colonial master by issuing edicts from Canberra or from Australia on the way other countries should run their affairs. We should strive at every opportunity to make sure we work in partnership with our near neighbours. It has been decreed by the government that this is the Asian century. In fact, the government have appointed Ken Henry to author a white paper on Australia's future in Asia in this century. We need a mature relationship with Asia. That is why any changes we make to our relationship with Asia must be made with understanding and preferably with the support of the nations affected. None of the nations targeted with this bill seeking to outlaw the importation of illegally logged timber support illegal logging, so it should be easy for us to reach a common position with them. We cannot do that without consultation of course. So what do we have? We have Canada, New Zealand, Malaysia, Indonesia and PNG, along with others, all expressing reservations before a Senate inquiry about the bill. Indonesia and Canada are strongly concerned and are not happy with the negotiations thus far. I quote from the Financial Review of 6 March 2012:

Indonesia's Trade Minister, Gita Wirjawan, has blasted the Gillard government's lack of consultation over an illegal logging bill which he says threatens the future of Indonesia's $5 billion export forestry industry. He is threatening to lodge a complaint with the World Trade Organisation if it proceeds.

It is worthwhile remembering that Indonesia is our second closest neighbour, it is the biggest Muslim nation in the world, it has a population approaching 240 million and, most importantly from my point of view, it is a functioning democracy. Indonesia should be one of our highest foreign policy priorities. Good relations with Indonesia are not just desirable; they are in fact essential.

I have mentioned the dangers of acting like colonial masters. When you look at our recent past it is not hard to see some stages when we have done that. Most notably, we—that is, Australia—made the live cattle decisions, we have issued intentions to pass legislation affecting palm oil production, we
have been crashing around like a drunken elephant in the area when it comes to people-smuggling and we have been making declarations which affect other countries without actually firstly consulting with those countries and taking them with us on the journey.

If we look at the live cattle exports decision we see it has been a shameful exercise, given the way we have treated this most important neighbour of Australia. We have managed to offend them at every turn and we—I mean Australia, and in that case it was driven if not by government policies then by the ministers at least—have effectively halved the live cattle industry exports from Australia to Indonesia. It was all because of a television program and, against departmental advice, a unilateral decision to stop the trade immediately. It disrupted meat supplies and offended national pride, it was a religious insult and, as I have said, it smacked of colonialism. All the years of careful nurturing of one of our most important relationships and it was all trashed overnight! The tremendous goodwill that we as Australians bought with our biggest ever single foreign aid project directed to rebuilding after the tsunami disaster was washed away in an instant. So let us not be led by the same minister down the same path again—consultation and cooperation are paramount. We should be able to achieve something good in this space, but we must do it with cooperation.

We run the risk of doing exactly the same here again, as it is not the only area where this government has got ambition confused with capability. We have seen it with the NBN, the South-East Asian Economic Community, the East Timor solution, the green loans and pink batts fiascos, cash for clunkers and, right now, we have just seen the latest policy reversal, on the use of Nauru as a processing centre. The modus operandi of this government is to make the big announcement and then try and work out what it means afterwards. There is a very grave danger that once again we are heading down that path.

It is worthwhile noting that a number of key producer countries, including Indonesia and Papua New Guinea, are developing legality verification, chain of custody and forest certification schemes as we speak. It is far better to be inside their tent helping them than to be throwing rocks from outside it. We need to be friends and to cooperate. But what these countries have asked for is time and consultation, to give them a chance to have a serious input and time to develop systems to comply. You would be aware, Deputy Speaker Thomson, that the coalition took to the last election a policy of outlawing the importation of illegal timbers. We will continue to support that policy. That policy also asked for a two-year consultation period while the regulations were developed. Once again, we are being asked to push through parliament this bill before the regulations are complete and before those countries know how they are likely to be affected. There is also the chance that our local industries will be quite significantly affected, and this revolves around certification. The affected countries are developing certification processes, but the proposed legislation places the onus of proof on the retailers here in Australia to be able to provide evidence. It makes it an offence to import illegally logged timber. It should make it an offence to knowingly import illegally logged timber—and therein lies a very real danger for our businesses.

Some of these countries are developing economies and we would be fools to think there is not some level of corruption in those economies. That means that, as these protocols are developed, if somebody were to illegally obtain a certification process that
they offered to an Australian business, the Australian business could well be in contravention of our laws and not have any idea that they were in possession of illegally logged timber. You can imagine the case of a small piece of finely crafted timber with different inlays; it may be a product that is 95 per cent legal product and five per cent illegally logged product. Then, of course, the business becomes totally liable.

All we will need are a couple of highly public infringements to shut down the entire trade. This would have an effect on our businesses but it would also undermine the exports of countries from where we are sourcing our timber legally. That scenario could mean that the price of timber would reduce because markets would be reduced for these countries. If the price of timber reduces you can be sure that, as night follows day, it will lead to increased illegal logging because, as income falls, people tend to increase production. So that would be totally counterproductive, and I know that is not what the Australian government would like to see happen.

We in the coalition are urging the government to show a bit of caution, to show a bit of consideration and to think through what can go wrong for once rather than just thinking through what can go right. Trust me, things that can go wrong are always out there and we should prepare ourselves for that possibility. So we in the coalition urge caution. We are pushing the government to delay implementation of this bill and to go back to the consideration and consultation process with the countries involved so that we can come up with a common purpose approach that they too can support and that they will know will be of benefit to their countries rather than a hindrance.

Mr HAWKE (Mitchell) (12:39): It is a privilege to follow the members for Mayo, Wannon and Grey in putting some of the coalition's concerns in relation to the Illegal Prohibition on Logging Bill 2011. The name of the bill suggests it would be something we could all agree on in this place. But it is typical of the pattern of this government in developing legislation. Whatever sector the government are seeking to regulate or legislate, they rush in a piece of legislation with little to no consultation, are stunned by a set of factual and well-developed points on why the legislation will not work and are then caught in this scramble to somehow amend or deal with the problem they have created by not being thorough in the first place in developing their legislative response.

There is no doubt that, in relation to the illegal logging prohibition bill before us, that is exactly the approach the government has adopted yet again. But, this time, there are more serious consequences that are not just of a domestic nature; there are also trade and international diplomatic relations consequences—another set of serious consequences from a poor government with a poor legislative program and an inability to get the settings right before they bring a bill into this chamber. Most seriously, Australia being a trading nation and relying so heavily on trade both in the past and in the foreseeable future, it is of grave concern to have some of our closest trading partners and nearest neighbours, including Indonesia and Papua New Guinea, expressing concern about this bill in such vocal and strident ways in evidence to the committee that considered these matters.

The coalition, of course, sought to address some of the deficiencies here by moving amendments to delay and to allow sufficient time for parliamentary scrutiny of any regulations. But it is impossible to understand what the government is actually intending without having regulations to
examine. We simply do not know. Of course we want to prevent illegal logging—that is the concern of lawmakers and legislators. As federal members of parliament, we as legislators are of course concerned with illegality but, to be concerned with illegality, we have to define what is legal behaviour and what is illegal behaviour. We cannot possibly know what the government intends, as our trading partners cannot possibly know what the government intends, will be legal or illegal behaviour.

So why are we moving to pass such a bill today? Why are we not having a thorough consultation and scrutiny process about the regulations so that everybody can understand what is legal and illegal and how they ought to operate and how they can make their business and investment decisions to enable sustained economic activity in this space. I think there is an answer to that question, but, inevitably with this government, it comes back to a political question. The member for Melbourne belled the cat, because the real agenda of this bill is, of course, the Australian Greens and the fact that this government is absolutely and utterly beholden for its political power to the Australian Greens. The member for Melbourne is one member in this place. The entire government is beholden to the one, the member for Melbourne, who in his speech sought to say that he would like to see the definition of illegal logging expanded in the legislation. So the real drivers of the government, the member for Melbourne here and the Australian Greens in the Senate, have belled the cat. Their agenda is to expand the definition of illegality; therefore, the government will have to listen to them in order to stay in power. That may be one reason why we are not seeing the regulations before us today. That is a serious question that I think the minister and the government must address before this bill is accepted by either the House or the Senate.

The government is in this constant arm wrestle with the Australian Greens. It is well known; it is in the public domain. We also heard the member for Melbourne call for the expansion of the due diligence requirements, so we can see that there is a real program and intention in the development of this legislation from the coalition allies and drivers of the government, the Australian Greens, to expand the terms of what is illegal logging and to make it more difficult for people to log. We know that the Australian Greens have an agenda to stop logging completely, whether it be plantation logging or any kind of forestry industry. We know that is their real agenda and we know that they want to make it more difficult. So the government has brought us in this chamber to a point where nobody can tell us what the real agenda of this bill is.

I think this is an entirely unsatisfactory situation, particularly when we have important trading partners like the Indonesians expressing their very clear concern, and I think it is worthwhile to repeat for people in the House who have not heard it yet, what this bill will do.

The Indonesians—in reporting in submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade—said quite clearly that they were very concerned about this bill. The deferral of the legislation until 2015 to provide time to ensure the legislation will not have unintended consequences will unnecessarily harm the mutual trade between our two nations. The member for Wannon was exactly right: that is diplomatic speak for, 'Please do not do this because you are going to create a major trading problem between our nations.'

We have heard from members of this House about the debacle that was created
with the live export knee-jerk reaction of a minister and a government seeking to deal with television programs and play with our diplomatic relations as a consequence. That had serious consequences for the people in the live cattle industry. It had serious consequences for the diplomatic efforts between our two nations. It had serious ongoing consequences for our relationship with Indonesia and managing so many vital issues in the world today. This bill will have consequences.

The passage of any legislation in this regard will have consequences as well. So I think it is right for members of this place—especially those concerned with our trade relationships and trade policy and good-quality legislative outcomes of the chamber—to get up and express concern. Not only do I support that this must be deferred until the regulations are in place—a reasonable and practical response that our partners are seeking; I also express my grave concern about using trade policy in this manner to pursue the real objectives of the Australian Greens and the green movement in Australia and worldwide today. We know there are many international green groups and green groups within Australia who are seeking to use our trade policy as leverage in their ongoing environmental and social pursuit of their causes. That is what we are all being dragooned into here today.

It would be interesting to see if the government would bring in such a bill if they were not in coalition with the Australian Greens, if they did not have pressure from the member for Melbourne who wants to expand definitions and see greater definition of illegality in relation to logging all around the world. Remember that this is intricately connected with our diplomatic efforts in foreign aid. Papua New Guinea and Indonesia receive Australian taxpayers’ dollars in the form of foreign aid. I support that in most cases. We also have to consider that they are developing nations with vastly different legal and other frameworks. It is inappropriate for the Australian parliament to dictate what Papua New Guinea or Indonesia should be doing when trying to develop and sustain their economies. We do not want them to be the recipient of our aid dollars forever into the future. We want to help them develop strong self-sustaining economies that allow them to produce the best wealth for their citizens. It is in our interests to have strong trading partners and regional neighbours that can sustain themselves and a strong economy. The bill says we are prohibiting illegal logging. That is a fantastic objective that everybody supports, but there are no regulations and there is no design that our trading partners understand about how the bill will work on the ground. That has serious consequences for our relationships. That is why I am here to raise these concerns about this bill, along with so many of my colleagues.

This is not an area that should be toyed with by the government. If they want to pursue a green agenda or placate the Australian Greens, surely the Clean Energy Finance Corporation $10 billion was enough. Why do we have to further damage our trade relationships with Indonesia and Papua New Guinea and other very important trading partners in our region simply for that objective? There are ways of dealing with the problem of illegal logging but they are not defined in this bill before us today. There are things that we ought to do to restrict illegal logging and to ensure that Australian businesses are not having to compete with illegal timber products flooding into Australia. There is a lot of speculation about the quantity and the nature of this problem.

We cannot—and I do not think we ever will—achieve legislation in this place which mandates what happens in countries like...
Indonesia in a way that is meaningful. Through partnership we can do what is already happening, and that is see the development of certification programs and improvements in the circumstances of locking in many of these countries. Australia is already pursuing those objectives, but this bill is obviously ill timed. It is completely and utterly without form or without any real ability for our trading partners or any member of this place to articulate what will happen in the regulation. We do not know. The department says it might take six months but we understand how slow the process of developing any regulation has been. We estimate it will take 18 to 24 months at a minimum if consultation is done properly and—to be frank—when we are dealing with trade matters, consultation ought to be done properly. It ought not to be a luxury or something that we discard so easily in so many pieces of legislation. Consultation matters with trading partners. Consultation with the industry matters. To see yet another piece of legislation which really will achieve no effective end, no real definition and no form places Australian importers and Australian businesses at risk of illegal behaviour without any real benefit to Australia and without doing anything about the problems related to illegal logging.

I have spent my time expressing the concerns about this bill. I thoroughly support the coalition's amendment, without which there is no way that I could support this legislation in the House today.

Mrs PRENTICE (Ryan) (12:51): I rise to speak on the Illegal Logging Prohibition Bill 2011, a very important piece of legislation which we are debating today. This bill will seek to prohibit the importation and sale of all timber products which contain illegally logged timber, implement due diligence requirements for importers, ensure that there is a consistent definition of legally logged products on sale in Australia and establish enforcement powers and associated penalties for noncompliance with regulations. Illegal logging poses a significant challenge to the goal of sustainable management of the world's forests. Out of the approximately $4 billion of total timber products that Australia imports annually, the Department of Agriculture, Fisheries and Forestry estimates that about $400 million or 10 per cent of imported forest products are at risk of being sourced from illegal logging projects.

The OECD, the Organisation for Economic Cooperation and Development, estimates that in some developing countries the rate of illegal logging can be as high as 70 per cent. In places such as the Amazon River and Madagascar, there is global concern that we may see the destruction of tropical rainforests in these environmentally sensitive areas.

Every member of this House wants to ensure that we do what we can to protect the environment. We must recognise, however, that there are substantial trade-offs involved between, on the one hand, the protection of global forestry and, on the other, the employment prospects and quality of life concerns in developing countries. It is important for this House to constantly keep in mind on decisions made today their ramifications on the future global environment and future generations. But we must also not ignore the fact that there are hundreds of millions of impoverished people in countries around the world, many millions of whom undertake illegal logging just so they can live. This is not a desirable situation, but it is a situation that we must all accept.

It is therefore paramount that any move to address illegal logging in foreign countries is fully considered by the parliament, that all
possible regulations be scrutinised by the parliament and not just by departmental bureaucrats. I am not confident that this bill has been scrutinised as thoroughly as possible and, as the member for Forrest outlined, the government followed a flawed process to develop this bill. They did not consult widely and we do not know what the actual regulations will be. Therefore, I do not support this bill in its current form.

The coalition will seek to move an amendment to defer the commencement date of the legislation such that the regulations imposed on the importation of timber products can be appropriately put into practice by local industry. My main concern with this bill is in its timing and the rushing through of burdensome regulations without properly consulting with all stakeholders, including foreign and local industry and other trade partners. It is quite concerning to me that the three recommendations of the trade subcommittee's majority report essentially contradict each other, and I will explain why.

The first recommendation urges that the government:
… continues to consult closely with the Governments of Canada, Indonesia, Malaysia, New Zealand and Papua New Guinea and other relevant stakeholders on implementation of the bill and the development of subordinate legislation.
The second recommendation urged the government to:
… facilitate Malaysia and Papua New Guinea’s representation on the Illegal Logging Working Group convened by the Department of Agriculture, Fisheries and Forestry.
These two recommendations are extremely important to the ultimate consequences of any regulations. The third recommendation states:
… that the Illegal Logging Prohibition Bill 2011 be passed.

There is no guarantee that recommendations 1 and 2 will be followed, so to me to recommend the passage of this bill seems disingenuous. This is why, in the coalition's minority report, we agreed with the first and second recommendations, but further proposed:
… that the Bill not be passed until the draft subordinate legislation has been finalised and has been the subject of extensive community … consultation—
and that the second reading debate be delayed.

The coalition has been very open about its concerns, with the Leader of the Opposition writing to the Prime Minister on 15 March 2012 requesting the government defer the onset of the legislation to ensure that the regulations can be further scrutinised through the committee process.

This Gillard government is notorious for its ability to alienate foreign countries, and the Labor government is doing so yet again. I am not surprised that comprehensive consultation has not occurred, because the responsible minister for this bill is none other than Senator Ludwig. In his capacity as Minister for Agriculture, Fisheries and Forestry, Senator Ludwig ignored the advice from his own department and ignored the issues in Australia's live animal exports industry and subsequently risked Australia's very important bilateral trade relationship with Indonesia when he, in an ill-thought-through knee-jerk reaction, imposed an immediate ban on all live animal exports to that country. That blunder by Senator Ludwig devastated the industry and cost the government millions of dollars. I would loathe for that situation to happen again, where the government does not consult properly leading to regrettable unintended consequences.
Today's bill threatens to harm our bilateral trade relationships with not just Indonesia but also Canada, Papua New Guinea and Malaysia, among many others. In their submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into this legislation, these countries were very clear. The Indonesian government's submission expressly said:

The implementation of the Bill is … likely to undermine the development of trade between Indonesia and Australia based on our respective mutual interests.

Indonesia noted the importance of forestry and the forest sector, and noted that the industry employs close to:

… four million Indonesians often in rural areas where other forms of employment do not exist.

Clearly Indonesia is willing to fight on this issue because it affects so many of its citizens. If Australia believed that another country was planning to impose deleterious unilateral trade restrictions on our exports, we would fight just as strongly.

Malaysia advised the committee that while they understand:

… that the objective of the Bill is laudable, Malaysia would like to see that the implementation of the Bill will not in any way hamper the good bilateral trade relationship particularly in timber products.

The Canadian government's submission warned that any third-party certification scheme and the reliance on strict chain-of-custody certification could lead to a 'barrier to trade' for exporters of timber products.

These are some of our most important trading partners. Indonesia is certainly Australia's largest neighbour and the single most important export market for our wheat and beef industries. We do not want to harm this important bilateral trade relationship any more than has already been achieved by the Gillard Labor government. The concern I have is that this unilateral effort and blanket policy will damage our bilateral relationships. As the member for Curtin mentioned earlier this morning, New Zealand, in their submission, noted:

The implementation of the Bill has the potential to have a significant negative impact on New Zealand's forestry industry: an industry almost entirely based on privately-owned plantation forests that are established specifically to be harvested. Australia is our second largest market for forestry products and imported NZ$824 million of these products in the year to December 2010.

As Judith Sloan commented in an article in the Australian on 15 May 2012 the point of trade policy, insofar as it actually relates to actual trade policy, should be used to promote international trade, and should not be used 'to pursue other objectives, such as environmental aims'.

In the case of New Zealand, we could be following a policy of bilateral engagement so that their concerns are acknowledged and respected. Instead, this prescriptive legislation has the possibility to damage our relationship with New Zealand and ultimately impose unnecessary costs on low-risk importers and low-risk countries.

We can look to examples such as the FLEGT—Forest Law Enforcement, Governance and Trade—Action Plan in the European Union. Countries wishing to export timber to the European Union enter into and negotiate processes and standards through bilateral voluntary partnership agreements. This ensures that only legally produced timber arrives into the European Union without being overly prescriptive, and to date six countries are implementing systems agreed to in their VPAs, another six countries are negotiating their VPAs, and approximately 15 countries from all corners of the globe have expressed interest with the European Union.
If you want to talk about real action, clearly the FLEGT Action Plan is achieving some success. If this government is worried about illegal logging in Indonesia, they should look at the voluntary partner agreement that Indonesia has already concluded with the European Union. It was one the first countries in the world to be involved with the FLEGT Action Plan process.

The coalition went to the 2010 election with a clear policy of real action for the prevention of illegal logging because we understand that illegal logging is a significant challenge to the global environment. However, we believe in deferring the time frame in which illegal logging measures will be fully rolled out to allow industry to adapt to any new measures. The coalition believes that all impacted stakeholders should be consulted closely in the drafting of any legislation and regulations, which to date is still a major concern.

Therefore, coalition support for this bill is contingent on acceptance by the government of our amendment to defer the onset of the legislation until 1 July 2013, with regulations not taking effect until 2015. I urge the government to address my concerns and those of the coalition and support our amendments.

Mr FLETCHER (Bradfield) (13:02): I am pleased to speak on the Illegal Logging Prohibition Bill 2011. The stated aim of this bill is to reduce the harmful impacts of illegal logging by restricting the importation and sale of illegally logged timber products in Australia. As ever with legislation proposed by this government, it is one thing to ask whether the objective is a desirable one; it is quite another to ask whether the method of achieving the objective has been well thought through and carefully planned.

This bill has a worthy title but it is dangerously lacking in detail about key aspects of implementation of the measures in the bill and as a consequence many parties in the timber industry, including people and companies in our major trading partner countries, will be left unsure about their legal obligations and unsure what they are required to do to comply with those obligations.

In the time available to me today I would like to make three points in relation to this bill: first, that the coalition is opposed to illegal logging and supports effective measures to prevent it; second, because key aspects of the proposed regulatory regime for illegal logging are not set out in this bill but instead will be left to the regulations, this is not a bill in a form which should be supported by this parliament at this time; and, thirdly, the government's woeful mishandling of this bill continues to damage our international trade relationships.

Let me turn firstly to the proposition that the coalition certainly supports effective measures to prevent illegal logging. We join with all reasonable people in believing that illegal logging is a significant challenge to the goal of sustainably managing the world's forests and that it damages both the environment and trade by legitimate businesses in timber based markets. It is a large market internationally. The World Bank estimates that illegal logging generates revenues of some US$10 billion to US$15 billion a year.

This was why in 2010 the coalition gave a commitment that we would legislate to make it an offence to import any timber product which had not been verified as being legally harvested. So the dispute here is not one about the question of principle; it is about the implementation as reflected in two critical conditions that we attached to the
commitment we made in 2010. Firstly, we said that a transition period of two years would be provided to allow industry to adapt to the new measures and that the coalition would ensure that all impacted stakeholders were consulted in the drafting of the legislation and the regulations and other related measures. In the typically chaotic and shambolic processes adopted by the Gillard government, neither of these critical requirements has been met and therefore the legislation in the form that it appears before the House today is not a form which we could support.

I want to turn to the second issue which is of acute concern: that key aspects of the regulatory regime are not yet before the House. They are not contained in this bill; instead, we are told, they will be left to the regulations. The explanatory memorandum says that the bill:

... provides a high-level legislative framework to implement the government's policy to combat illegal logging.

It goes on to say that there will be subordinate legislative instruments to realise the government's policy objective. What is left to be dealt with in the regulations is extremely broad. It includes which timber products are to be regulated. It includes what will be the due diligence requirements that citizens and companies must meet if they are to mitigate the risk of being subject to civil or criminal penalties for importing or processing illegally logged timber. In other words, absolutely fundamental aspects of the regime are not dealt with in the bill and will be solely a matter for regulation.

This is very, very troubling, particularly when you understand the legislative scheme that is laid out here, the core of which is section 8 of the bill, which establishes an offence for importing a thing which 'is made from, or includes' illegally logged timber. If you commit that offence, you will be liable for imprisonment of up to five years, so the stakes are very, very high for citizens seeking to work out what they need to do to comply with the law. The definition of illegally logged timber is timber 'harvested in contravention of laws in force in the place, whether or not in Australia, where the timber was harvested'.

What this means, on the basis of the legislation in front of the House today, if passed into law, is that everybody in Australia who is involved in the business of selling furniture, knick-knacks and souvenirs or garden implements—everybody in that category—will be at risk of finding themselves going to jail for five years because they happened not to keep up with the change in the law in Indonesia, Burma, Malaysia or any other country around the world from which they happen to have imported products. I emphasise 'products', not 'timber', because they might very well be products which are primarily made up of other materials but happen to include some timber. On the definition, on the wording of section 8, on the face of this legislation, anybody in that position is potentially at risk of going to jail for five years in circumstances where they really have very little prospect of finding out whether or not the timber which is contained in the product they have imported is in fact in breach of the law in the country where it was harvested.

We are assured that there will be regulations which will make this all much clearer, but the effect of the way the bill is drafted and the scheme that the government is proposing is that the parliament today is being asked to approve a law which will have the effect that I have just described, which will put people in the business of importing products which happen to contain any timber at risk of going to jail for five years. This is a very troubling case of the full apparatus of state coercive power being
applied in a way which could very easily trap people who have made an innocent mistake.

This piece of legislation runs for 61 pages. Between pages 7 and 14 the key offences are set out, along with the statement of broad principle that the parties will be required to carry out due diligence to protect themselves against committing these offences. But of course the bill does not tell us—and, when the legislation is passed in this form and takes effect, the legislation will not tell us—what you need to do to meet those due diligence requirements. You can read the bill from cover to cover and it does not tell you what you need to do to take advantage of the due diligence defence.

But what we do get between pages 17 and 61 of this bill is provision after provision after provision establishing all of the detailed obligations, provisions and powers that the government and its apparatus of inspectors will now have. There are monitoring powers. There will be new inspectors to be appointed. These inspectors will have powers under section 22 to enter premises to determine whether there has been compliance. I point out that those powers exist without the inspector being required to form any belief or suspicion as to noncompliance. The inspector simply has the power under section 22 to enter if he or she gets a warrant or if he or she gets the permission of the occupier of the premises.

The pages and pages of powers which are granted to these inspectors include the power to operate electronic equipment on the premises that they enter and the power to secure evidential material, and all of this is just in division 2, which deals with monitoring. Then we have division 3, which deals with investigation, where these powers are not merely repeated but increased.

And, of course, there is another little provision in this bill that is of the kind that this government is very fond of, and that is a strict liability provision. That is to say that under section 74 it is clear that in prosecuting for a breach of this act the government, the prosecutor, does not need to demonstrate that the person before the court had any particular state of mind. You might have made an innocent mistake. That will not help you if you are facing a strict liability provision, and that is made clear under section 74.

All of this would be troubling enough if the regulations were to come into effect on the same date as the act takes effect and, of course, if we had the regulations in front of us to know what they say and to know what the due diligence defence actually involves, but that is not the case. Extraordinarily enough, these regulations will not come into effect until at least six months after the bill has taken effect and potentially longer. That will create enormous uncertainty for Australian citizens, for Australian businesses and for international businesses in knowing what you have to do to comply with this draconian piece of Australian legislation.

This was a point well made in a submission by Mr Thorry Gunnersen, who had this to say:

The Bill creates a crime without adequately defining that crime: There is no list of products to be regulated, the definition of “illegal logging” is broad and the regulations do not yet exist.

And here is something I found quite remarkable in the joint committee inquiry report. Even Greenpeace thought these arrangements were unsatisfactory. Even Greenpeace, according to the committee report, had this to say:

... ‘too much information and detail is being left to the regulations resulting in uncertainty for business (and countries).’

When Greenpeace is saying that this is a set of regulatory provisions which is putting
businesses at risk, which is putting commerce at risk, which is leaving citizens unsure of how to comply with their regulatory obligations, you know there is a serious problem with this set of provisions.

All of this, of course, is predicated on the government's ludicrous claim that it can get all this sorted out and get the regulations in place in six months. Anybody who has watched this government operate would be deeply sceptical of this claim.

Let's just go through how this is going to work, and it is made very clear in the report of the Senate inquiry. First of all, the provisions in the bill establishing a criminal offence to import timber which has been illegally logged will take effect from the date of royal assent. Secondly, at that point there will be no detail as to how the due diligence defence operates; in fact, it will not exist. Therefore, as a matter of law, if it can be shown that you have 'recklessly imported illegal timber'—that is to say, if you are aware of a substantial risk that the thing is made from or includes illegally logged timber—you are up for jail time of up to five years. So if you import a chair which happens to have wooden feet and it turns out that these wooden feet come from timber which has been illegally logged then you are at risk of going to jail for five years.

The bureaucrats, when they appeared before the Senate inquiry, grandly conceded that when the regulations are finally available there may 'be a subset that may exclude those sorts of products'. Every citizen can be relieved at this gracious concession from government! The reality is that the bill before the House today is creating a regime under which anybody who is in business in Australia importing any material which contains any wood at all ought to be terrified, because if that wood happens to have been logged in breach of the law of another country—something which in practical terms they have no way of finding out—they could find a government inspector knocking at their door and dragging away the product for analysis, a few weeks later they could find themselves charged, and a few months after that they could find themselves locked up in jail for five years. These are disturbingly draconian provisions, and, without the coalition's amendment that the onset of the legislation and the regulations not occur before 1 July 2015, we cannot support them.

The third point I want to make briefly, which has been ably pointed out by many of my colleagues, is that the government has comprehensively mishandled its relationship on this legislation with major trading partners, including countries like Indonesia and Malaysia, and countries like Canada and Papua New Guinea have made the point that there might well need to be a challenge under World Trade Organization procedures to what is in substance a unilateral trade measure.

This was terrible execution, very badly thought through. The objective we can support in principle, but this is a terrible bill in the way it is implemented. (Time expired)

Dr Emerson (Rankin—Minister for Trade and Competitiveness) (13:17): The member for Bradfield has joined in the passing parade of coalition MPs who have alleged, based in part on a story in the Financial Review, that the relationship between Australia and Indonesia has been severely strained and damaged over this matter. I want to take this opportunity to set the record straight on that.

In terms of heritage, I have had a long association with the logging industry and also with conservation issues, going back to the days of Bob Hawke and Paul Keating. I was involved during the Tasmanian forest
issue—a very vexed issue at that time—the issue of the wet tropics of north Queensland and, subsequently, as the director-general of the environment department, the logging issue in Queensland. I can say, against that background, that the Illegal Logging Prohibition Bill will support trade in legitimate forestry products. The government is developing the policy in accordance with our international obligations under the World Trade Organization—of course we would do that. The policy will be applied to imports from all countries equally and will also apply to illegally obtained Australian timber. In that sense it is nondiscriminatory. The policy makes a distinction between illegal and legal timber rather than between the countries of origin of the timber.

The bill will prevent the importation and sale of illegally logged timber and timber products in Australia. It is designed to support similar measures implemented by the European Union and the United States. So, far from it being a socialist plot and draconian legislation, this is part of a global effort to deal with the problem of illegal logging. It is part of the broader international effort to boost trade in legally logged timber and address the serious economic, social and environmental impacts of illegal logging.

The Indonesian government and other governments in the region have expressed their support for the eradication of the illegally logged timber trade, and obviously we are at one on that. There was extensive consultation with our counterparts in Indonesia, and that will continue. We have made the commitment in personal meetings—Senator Ludwig with his counterparts and I with my counterpart in Indonesia, the trade minister, Gita Wirjawan—that we will consult very closely on the development of the regulations. That is a source of great reassurance to them.

During this debate, the Deputy Leader of the Opposition gleefully read from a piece that was written in the Australian Financial Review titled 'Indonesia fed up with Canberra "dysfunction"'. The quoting from that piece has led me to come into the chamber to clarify the true situation. I would have let the water flow under the bridge, as we have done, having sought ourselves a clarification or retraction in respect of that particular piece. But, given that it has been invoked in the debate to seek to influence the way people vote in this chamber on that matter, I think everyone in this chamber and outside listening deserves a clarification. That clarification is provided in two documents. One is a press release from Gita Wirjawan, my counterpart, the trade minister of Indonesia. I will read some of that. It says:

Related to a news article published today by the Australian Financial Review titled 'Indonesia fed up with Canberra "dysfunction"' the Ministry of Trade, Republic of Indonesia, would like to clarify that the statement in the news report quoting Indonesian Trade Minister Gita Wirjawan in the published article was not sourced, originated from the minister, nor the ministry. The ministry was never contacted with regard to the issue. There was never an interview that took place with the Indonesian Trade Minister in relation to the issue with the Australian Financial Review. The Ministry of Trade has communicated with the Australian Ambassador in Jakarta in clarifying factual information that no such comment has ever taken place in view of the Australian government in Canberra.

This was followed up by correspondence from the trade minister, Gita Wirjawan, to Michael Stutchbury, the editor of the Financial Review. I sought, on behalf of Gita Wirjawan, a retraction. I was told there would be no retraction, that they stood by their story. The letter to Michael Stutchbury about the article written by John Kerin includes the following:
I would like to raise your attention to a recent news article published by the Australian Financial Review entitled Indonesia fed up with Canberra 'dysfunction', published in its 6 March 2012 print edition. For your kind information, I was subsequently informed that the lead author of the above article, John Kerin, has interviewed sources in the ministry but insisted on keeping them confidential. Nonetheless, I believe the article along with my photograph as shown is slander and misleading to the readers. We would highly appreciate a retraction of the article.

It could not be clearer. You have the Indonesian trade minister protesting strongly in the Financial Review. As I said, we could get neither a clarification nor a retraction initiated not by this government but by the government of Indonesia. That is a decision that the Financial Review made. But to have that piece brought into this chamber and used as evidence against the illegal logging bill is obviously highly misleading. I am not saying it was wilfully misleading. Obviously, if the Deputy Leader of the Opposition had bothered to contact the Indonesian embassy in Australia or the Australian embassy in Indonesia, the Deputy Leader of the Opposition would have known that the trade minister of Indonesia was completely put out by this, that he had given no interview and that he was very upset that his photograph was in this story as if to give the impression that such an interview took place.

Speaker after speaker on the coalition side said how important it is that we must not do anything to damage the relationship with Indonesia. In this chamber yesterday every one of them voted in favour of a policy towing back boats into Indonesian waters with no agreement from Indonesia. It has been made abundantly clear time and time again that the Indonesian government would not accept such a policy. They have said it publicly; they have said it privately. So let us forget the cant hypocrisy from the coalition. The coalition talks about the importance of maintaining a good relationship with Indonesia, which this government has, and then walks into the chamber, every one of them, to vote for a policy that would destroy the relationship between the government of Australia and the government of Indonesia.

We want some truth to come out in these deliberations in this parliament. There has been a highly misleading article and an attempt by the trade minister himself personally to get a retraction. The Deputy Leader of the Opposition came into this chamber and read it out gleefully saying that it is a wonderful thing from their point of view that there is a bad relationship between this government and the Indonesian government. There is not; there is an excellent relationship, and we will continue to consult on the regulations in the bill. That is the undertaking we have given and that is the undertaking that has been accepted by the government of Indonesia. I would think that there might be an opportunity at some stage for the Deputy Leader of the Opposition herself to recant and to say that she is sorry for the embarrassment she has caused by quoting from an article for which the Indonesian trade minister unsuccessfully sought a retraction from the Australian Financial Review.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (13:26): I thank all the honourable members for their contributions to this important debate. I wish to start by addressing the comments of those opposite. They relied heavily on an article published in the Financial Review earlier this year to support a perception that Indonesia is aggrieved at the level of consultation on this bill. As the Minister for Trade has already reported in this House, the Indonesian trade minister in fact issued a press release dismissing the veracity of the quotes attributed to him. The press release went
further to say that neither he nor the Ministry of Trade were contacted by the journalist writing the article. It needs to be clear that the comments are inaccurate. The Gillard government would take the counsel of the Liberals more seriously if their foreign affairs spokesperson had not been characterised as both sleep inducing and arrogant by the Indonesians themselves. They are all over the shop on this issue.

The member for Flinders will support the legislation if it is delayed. The member for Mayo would like the bill tremendously amended but will support its passage if the member for Flinders' delays are agreed to by the parliament. At least the member for Forrest had the gumption to tell the parliament that the bill will implement their policy to provide a two-year window for the development and implementation of regulations. This bill will implement their policy. But it seems they are a divided lot over there, sending mixed messages about their commitment to this issue. I would like to make it clear what their policy is.

We will require Australian timber importers and domestic processing mills to undertake a process of due diligence to verify the legal origins of the timber product and to disclose species, country of harvest and any certification.

So they need to explain in this House and outside this House why they have abandoned this policy. The member for Lyne, who has not spoken today, has made representations on behalf of furniture manufacturers. The contribution of the Australian furniture association and other Australian business groups are taken seriously by the Gillard government. The Illegal Logging Prohibition Bill imposes strict penalties on the importation and processing of illegally harvested timber and timber products. I understand the department has distributed a list of products for consultation purposes to its illegal logging working group. Since the department distributed that list, there has been constructive feedback from the members of the group to the department and to the minister's office. Furniture, including furniture manufactured from particle board, will be regulated, as will pulp and paper.

The bill contains significant penalties. Individuals convicted under one of the two main offences in this bill can face up to five years in prison and/or a fine of $55,000, or $275,000 for a corporation. Importers and processors will be required to complete an annual statement of compliance and the department will audit compliance on a targeted risk basis and conduct random audits. While there will not be 'illegal timber enforcement officers' at the border, Australian law enforcement authorities frequently cooperate with governments in the region and beyond to combat serious international crime. The government is confident that this bill and the efforts of Australian importers will contribute substantially to those activities. The Illegal Logging Prohibition Bill 2011 represents a major step by Australia to support the legal trade of timber products. The bill fulfils the government's commitment to restrict the trade in illegally harvested timber and timber products.

On 22 March 2012, the Joint Standing Committee on Foreign Affairs, Defence and Trade held a third inquiry relating to possible international implications of the bill. The joint standing committee came to the same conclusion as the Senate Rural and Regional Affairs and Transport Legislation Committee inquiry, and that was that this bill be passed.

The joint committee report recommended that the government continue to consult with the governments of Canada, Indonesia, Malaysia, New Zealand and Papua New Guinea, which the government is already doing. The government has agreed to all of
its recommendations and is busy implementing them. Regional workshops have been held in Port Moresby, Jakarta, Kuala Lumpur and Wellington. The Department of Agriculture, Fisheries and Forestry has held a workshop via web link with the government of Canada and their key industry representatives.

The joint committee report recommends that the government facilitates Malaysia and Papua New Guinea's representation on the Illegal Logging Stakeholder Working Group. The government has done just that. The government does not pretend that there are not some sensitivities amongst our trading partners. Can I say that Malaysian, Canadian, New Zealand, Papua New Guinean and Indonesian leaders each agreed with their APEC counterparts to 'work to implement appropriate measures to prohibit trade in illegally harvested forest products and undertake additional activities in APEC to combat illegal logging and associated trade'. We will continue that work and commitment.

There are roughly 50 members of the government's Illegal Logging Working Group. The government has consulted widely on this matter and will continue to do so, as we committed to do. Preliminary drafts of two regulations have been distributed for comment to these key trading partners and other members of a stakeholder working group. These draft regulations are also available on the department's website. The distribution of these draft documents demonstrates that the claims of those opposite that the government is not consulting are hollow.

Australia commends the commitment of trading partners to protect their forests by combating illegal logging and the associated trade. Of note is the work being undertaken in Indonesia on their Timber Legality Assurance System, known as SVLK, and in Malaysia on the Malaysian Timber Certification Scheme. Canada, the US, New Zealand, Indonesia, the EU and Malaysia have expressed their support for the bill's overall objectives to reduce the harmful environmental, social and economic impact of illegal logging.

Support for the bill has come from non-government organisations, such as the Uniting Church, Greenpeace, Transparency International and World Vision. The government has also received additional support from a number of timber product importing businesses including Bunnings, Kimberly-Clark and IKEA.

The government has worked towards alignment with measures being implemented by the US and EU to minimise the impact of the legislation on exporting businesses. This bill aligns Australia's efforts to combat illegal logging with international initiatives, including legislation already implemented in the United States and developments in the European Union. In May 2008, the United States made amendments to the Lacey Act—its act that regulates the trade of flora and fauna—to include the illegal trade of plants and plant products, including timber, to combat illegal logging. The US has included a requirement for a declaration at the border, similar to measures being implemented within Australia. The European Union Timber Regulation requires importers to undertake due diligence when first placing timber or timber products on the market. The European Commission is scheduled to apply its Timber Regulation in March 2013. Individual member states will be responsible for developing penalties under the EU regulations.

An APEC Experts Group on Illegal Logging and Associated Trade has recently been established, pursuant to a proposal from Chile, Indonesia and the United States,
supported by Australia. Australia participated in meetings in February and May 2012. Australia also presented details of its proposed legislation to the Committee on Trade and Environment of the World Trade Organization on 14 November 2011.

The time to act on illegal logging is now, as committed to by both parties at the last election and before—not in three years time but now. The Illegal Logging Prohibition Bill 2011 delivers on the government’s commitment to restrict the importation and sale of illegally logged timber in Australia.

The bill is consistent with Australia’s international trade obligations under the World Trade Organization and relevant free trade agreements. It provides for even-handed treatment of suppliers of timber irrespective of their nationality. The bill will remove unfair competition posed by illegally logged timber for Australia’s domestic timber producers and suppliers, establishing an even economic playing field for the purchase and sale of legally logged timber products.

I would like to conclude by citing the latest media release from the CFMEU, whose members and their jobs rely so much on the timber and fibre industry of Australia:

The amendment to the Illegal Logging Prohibition Bill tabled by the Coalition, if accepted by Parliament, could cost thousands of jobs in vulnerable timber communities, according to the CFMEU.

"Make no mistake about it, this amendment would cost Australian jobs, hurt Australian families and kill off Australian timber communities." CFMEU National Secretary Michael O’Connor said today.

"It is a clear case of the Coalition succumbing to pressure from those who benefit from illegal logging.

"Their amendment would delay the ban on illegal logging imports from coming into effect for at least two to three years.

"Workers in the timber and wood products manufacturing industry simply cannot afford such a delay. They would rightly view support for this amendment as a kick in the guts at a time when timber and manufacturing workers desperately need those in Canberra to stand up for them.

"Wood products represent the second largest sector in Australia's manufacturing industry and cheap, illegally-sourced imported products are strangling it.

"This amendment takes the interests of illegal loggers and their criminal syndicates overseas - as well as unscrupulous importers of timber and timber product —and places them above the interests of Australian workers.

"The Coalition needs to be clear: Do they want to look after the livelihoods of Australian workers who are getting unfairly undercut or not?

"Any supporters of this amendment should, quite frankly, be ashamed of themselves."

It was our commitment to introduce this legislation. It was the commitment of those opposite to introduce this legislation. Their amendment is now aimed at delaying it.

Question agreed to.

Bill read a second time.

Consideration in Detail

Bill—by leave—taken as a whole.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (13:39): I present a supplementary explanatory memorandum to the bill and ask leave of the House to move government amendments (1) to (9), as circulated, together.

Leave granted.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (13:39): by leave—I move:

(1) Clause 8, page 7 (line 8), after "prescribed", insert "as exempt".

(2) Clause 9, page 7 (line 17), after "prescribed", insert "as exempt".

CHAMBER
(3) Clause 12, page 9 (line 7), at the end of the clause, add:

; and (d) the thing is not prescribed as exempt by the regulations for the purposes of this paragraph.

(4) Clause 13, page 9 (line 16), at the end of the clause, add:

; and (d) the thing is not prescribed as exempt by the regulations for the purposes of this paragraph.

(5) Clause 15, page 11 (line 21), after “prescribed”, insert “as exempt”.

(6) Clause 15, page 11 (line 23), after “prescribed”, insert “as exempt”.

(7) Clause 15, page 11 (line 24), at the end of subclause (1), add:

; and (f) the raw log is not of a kind prescribed as exempt by the regulations for the purposes of this paragraph.

(8) Clause 17, page 13 (line 20), at the end of subclause (1), add:

; and (d) the raw log is not of a kind prescribed as exempt by the regulations for the purposes of this paragraph.

(9) Clause 18, page 14 (line 24), after “industry”, insert “or certifying”.

The government is proposing a small number of minor drafting amendments to ensure clarity and consistency in the bill. These amendments do not affect the policy intent or objective of the bill but are necessary to ensure that clauses in the bill are interpreted correctly once it becomes law. The purpose of the proposed amendments is to provide clarity on how timber products can be exempt from the prohibitions in clauses 8, 9, 12, 13, 15 and 17 and to ensure that such exemption provisions are consistent throughout the bill.

The proposed amendments also rectify a drafting inconsistency in the due diligence requirements for processors of domestic logs in clause 18 to make them consistent with the due diligence requirements for importers of regulated timber products in clause 14.

Question agreed to.

Mr JOHN COBB (Calare) (13:41): I move opposition amendment:

(1) Clause 2, page 1 (line 8) to page 2 (line 9), omit the clause, substitute:

2 Commencement

This Act commences on 1 July 2015. It is not reasonable for the government to bring the measures in the bill into law without giving our trading partners and our domestic timber industry and timber importers the time they were promised to design and implement appropriate systems. As a result of the government's incompetence, I am forced to move an amendment. There has been a lack of consultation with our trading partners and domestic industry. This amendment will delay the commencement date of the legislation and regulation-making power to 1 July 2015. The additional time is needed to satisfy the concern of six of Australia's major timber trading partners—particularly Indonesia, which is our biggest, nearest and most important neighbour—about the subordinate regulations not being available now, at the time that the legislation is being debated, in order to allow sufficient time for scrutiny of the regulations before they take effect by either the parliament or the parties I mentioned previously. Our trading partners have not been given sufficient time to design and implement processes on traceability and demonstrate due diligence.

I cannot emphasise enough—particularly given recent events with Indonesia, apart from anybody else—the importance of our managing the transition envisaged in the legislation through working closely with our trading partners. The government plans to
impose the consequences of this legislation pretty arrogantly on our trading partners in the same way as they imposed the live export ban on Indonesia without adequate—or, indeed, any—consultation. It is important to note that the current timber certification programs do not yet provide due diligence elements in their traceability certifications. Current systems simply cannot be put in place to meet the requirements of the legislation and regulations at this time.

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (13:43): As I mentioned earlier—and as is well known publicly—the coalition promised the Australian electorate that they would implement legislation to prohibit the trade and processing of illegally harvested timber and timber products. Now they are being given the opportunity to join with us in a bipartisan fashion to implement one of their own policies. But, having been given that opportunity, they—on very hollow and shallow grounds—have moved an amendment to delay the commencement of the legislation by some three years. The trade in illegally logged materials would continue if the coalition's amendment were accepted.

We will not accept this amendment. Using estimates published by, for example, the World Bank a further 236,520 square kilometres of forest will be harvested illegally with the approval of the Australian parliament if we agree to this amendment—nearly 250,000 square kilometres of forest wiped out, illegally logged. Looking at the data in the explanatory memorandum for the bill, the coalition's amendments will give the green light to a further $180 billion—

The DEPUTY SPEAKER (Hon. BC Scott) (13:45): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour.

STATEMENTS BY MEMBERS

Brain Injury Awareness Week

Mr ALEXANDER (Bennelong) (13:45): This week is Brain Injury Awareness Week, which highlights the hidden disability and the impact of brain injury on our society. Over half a million Australians have acquired a brain injury, most commonly from car accidents, falls, strokes, violence, work and sporting incidents. Brain injuries can cause mobility problems, sensory loss, fatigue, speech difficulties and problems with thinking skills and behavioural changes.

The Royal Rehabilitation Centre in my electorate of Bennelong provides top-level services through its Brain Injury Rehabilitation Unit. Last week I was delighted to visit the centre to donate two table tennis tables to its Return2Sport program through the generosity of Hyundai. Tomorrow the unit will be inducting seven new heroes to the Brain Injury Wall of Fame. These are inspiring individuals who have returned to the workforce after crippling injuries and who offer great motivation to other patients at the unit. I congratulate Mario Bianco, Kate Boyd, Jason Donnelly, Jason Farrawell, Tish Peiris, Matthew Powney and David Todd on their strength and drive. Congratulations also go to their families and friends for their endless support. I also commend Dr Clayton King and all the staff at the Royal Rehabilitation Centre for their dedication to improving the lives of their patients.

Basketball ACT

Dr LEIGH (Fraser) (13:46): Last Saturday night it was my pleasure to attend the Gunners versus Bandits game at the ACT Basketball Centre, part of the South East Australian Basketball League competition. I
was invited there as a guest of Tony Jackson, the CEO of Basketball ACT, because it was a special evening with all proceeds going to the Big Bang Ballers campaign to use basketball to fight youth poverty and social disadvantage around the world. In Afghanistan the Big Bang Ballers are currently providing basketball courts to young Afghani girls who until recently could not even consider sport, let alone play it.

I was speaking there at the game with Mark White, the coach of the Gunners, and he talked about the concept of shorter basketball players needing to play above their height. To me it is a great metaphor for the way in which all of us should be trying to play a little above our height. I pay tribute to Pierre Johannessen, the CEO of the Big Bang Ballers, for all that he has done not just in developing countries but also in Australia. Natalie Porter, the former Olympian, was assisting a group of young Canberrans in Night Hoops. Night Hoops is aimed at at-risk Canberrans, some of them recent migrants from Sudan, providing them with an opportunity to learn valuable basketball skills and leadership skills and to get a good meal at the same time. (Time expired)

**Vietnam Veterans Day**

Mr MATHESON (Macarthur) (13:48): I rise today to pay tribute to Australia's Vietnam Veterans in the lead-up to Vietnam Veteran's Day on 18 August. This Saturday I will join thousands of Australians across the nation who will attend a memorial service to remember those who fought so gallantly and suffered with very little support for many years after they returned home.

Australia's military involvement in the Vietnam War was the longest in duration of any other war in our country's history. My father, Reg Matheson, was one of the 60,000 Australian soldiers deployed to Vietnam between May 1962 and April 1975. Sadly, 521 men died as a result of this war and more than 3,000 were wounded.

The Vietnam War caused one of the greatest anti-war movements in Australia's history and, sadly, our soldiers met a hostile reception on their return home. I pray that no Australian soldier ever has to return home from war to such little support from their country. I know that my dad experienced the horrors of war in Vietnam and those memories remain with him today. That is why every year I attend a Vietnam Veteran's Day service and memorial dinner in Macarthur to pay my respects to those soldiers who fought so gallantly and suffered with very little support for many years after they returned home.

The Vietnam Veterans Association Macarthur Branch are committed to the ongoing support of our local veterans and their families. It is with great pride that I stand here today to thank them for their dedication and commitment to these men who deserve all the help and support we can give them. I hope that everyone in this place has the opportunity to attend a Vietnam Veteran's Day service this weekend to remember those who fought in one of the most horrific wars in Australia's history.

**News Limited**

Mr MURPHY (Reid) (13:49): I have been informed that entrepreneur Dick Smith is with us today in this building. I congratulate him for being, in his own words, 'game to stand up to the Murdoch press and others in big business and actually admit that perpetual growth in the use of resources and energy is not sustainable in a finite world and we must start planning now before the limits are reached'.

Dick Smith has correctly branded News Limited's campaign against proposed media reforms as hypocritical. He said News Limited's claim that proposed media
regulations would curtail freedom of speech was claptrap because News Limited regularly censored any criticism of itself. Dick Smith said that it is in News Limited's commercial interests to censor the idea that people are responsible for global warming.

As we have seen so graphically in Britain, News Corporation has one standard for itself and another for everyone else. Its hypocrisy is breathtaking. I urge members to read *Dial M for Murdoch: News Corporation and the Corruption of Britain*, written by the great Tom Watson and Martin Hickman, to see how News Corporation's criminal activities have corrupted democracy in Britain.

In Australia, we have seen some of those same double standards and hypocrisy in the attempt to censor Dick Smith. News Limited feels free to criticise everyone but refuses to accept criticism of itself. Why isn't Rupert Murdoch intervening to address Dick Smith's grave concerns for our democracy? We all know why and that is why we need a public interest test and a fit and proper—(Time expired)

**Australian Taxation Office**

*Mr SOMLYAY* (Fairfax) (13:51): Community service and the tax office—who would have thought that these phrases could be used in the same sentence? Let me say it is not such a real paradox. The ATO is simply one of those agencies we love to loath but today I am sharing the love of the wonderful service the ATO provides through their free Tax Help program. Tax Help is an incredible network of community volunteers who provide free service to people to complete their tax returns. So it is not all one way with the tax office; it really does give back to the community and help those who need it most. For a few months each year, in my own electorate office, we provide space for Tax Help. We are booked solidly for the duration and it is a real example of the success of the ATO working at grassroots level.

I want to pay tribute to Sue Bailey, our own tireless tax helper, a volunteer. She is a local lady, well into her retirement years, who has stepped up year in year out to provide much-needed professional guidance to so many. She gives her time and her wisdom freely and for free. People come for tax help the first time because there is no cost, but they return again because of Sue. Sue Bailey is a wonderful ambassador for tax help and the ATO, and a wonderful role model for our volunteers. Thank you for allowing me to wax lyrical about tax.

**Throsby Electorate: Warilla Public School**

*Mr STEPHEN JONES* (Throsby) (13:52): I take this opportunity to praise the good work of Warilla Public School in my electorate of Throsby. Students speak highly of the commitment and hard work of their teachers. They also speak highly of the funding that this Labor government has made available to assist in improving their school environment, resources and learning.

In the *Illawarra Mercury* on 14 August, year 6 students editorialised and offered their view on the funding that was directed to Warilla Public School to 'Build the Education Revolution'. They say that teachers used the opportunity during the construction phase of their new library and computer lab to teach and learn about mathematical concepts such as volume and area. They say that the new library and computer lab have become hubs of learning in their school—a tangible and lasting legacy of this government placing education at its core. They say that the government's Smarter Schools National Partnerships have supported teachers in improving their own skills and the students' literacy and numeracy. They say that they 'give a Gonski'
and they are eagerly awaiting news of the Gonski review of funding of schools. They hope Gonski will mean more funding for their school.

I say that great schools like Warilla Public School deserve the additional funding that would be available through the Gonski recommendations. I would like to thank and congratulate all those who make Warilla Public School a great school—teachers, staff, students and parents.

Kooyong Electorate: Raoul Wallenberg

Mr FRYDENBERG (Kooyong) (13:54): In the heart of my electorate of Kooyong, on the corner of Princess and High Streets in Kew, stands a memorial to Raoul Wallenberg. It was the initiative of Frank Vajda, a Kooyong resident, who, with his late mother, Maria, was saved by Wallenberg in October 1944. Few of the thousands of people who walk or drive past this statue every week would truly appreciate what a giant among men Wallenberg was. Born on 4 August 1912, Wallenberg was a Swedish diplomat who served in Budapest during the Second World War. His efforts in issuing ‘protective passports’ and providing shelter to Jews in Nazi occupied Hungary is credited with saving the lives of a remarkable 100,000 people. Threatened by the fascist Arrow Cross, he moved house every night, knowing that every day for him was a test of survival, just as it was for those he sought to protect. Tragically, on 17 January 1945, when the Red Army entered Budapest, he was taken by the Soviets, never to be seen again.

Just a few weeks ago I was privileged to attend a special commemorative service for Raoul Wallenberg at the Swedish Church in Melbourne. It truly was a moving occasion, with people coming together to recognise this remarkable man. This year marks his 100th birthday. He was a man who was ‘a righteous among nations’ and whose courage and deeds will always represent a beam of light in what was one of the darkest periods in the history of mankind.

World Humanitarian Day

Ms PARKE (Fremantle) (13:55): In 2008 the United Nations General Assembly designated 19 August as World Humanitarian Day. This was done in memory of the 22 United Nations and NGO workers who were killed on 19 August 2003 when a bomb was detonated at the UN headquarters in Baghdad. Those killed included UN Envoy Sergio Vieira de Mello, along with my close friend Jean-Selim Kanaan and other colleagues I had known in Kosovo. Jean-Selim—to whom I dedicated my first speech in this place—had worked in Africa, the Balkans and the Middle East. He spoke seven languages and wrote a book called My War Against Indifference. His wife, Laura, had just given birth to their first and only child, Mattia-Selim, three weeks before Jean-Selim died at the age of 33. His story is just one of many.

Disturbingly, there has been a significant increase in the number of attacks specifically targeting aid workers in recent years. However, humanitarian workers do not only face risks from violence and war. In January 2010 the Haiti earthquake took the lives of a great many Haitian people and also around 100 UN staff. Four of those staff were close friends with whom I had worked in Kosovo, Gaza and New York.

This morning a wonderful breakfast was held in advance of World Humanitarian Day. It was co-hosted by the UN Parliamentary Group and the UN Association of Australia and sponsored by AusAID. Guest speakers included Foreign Minister Bob Carr. This Sunday, 19 August, on World Humanitarian Day, it is appropriate that we spare some
time to remember those who spend their lives—and sometimes lose their lives—helping the world's most vulnerable people on behalf of all of us.

**Coal Industry**

Mr O’DOWD (Flynn) (13:57): I would like to bring to the House's attention that the boom period for our coal industry is about to burst.

Mr Champion interjecting—

Mr O’DOWD: Yes, it is. Haven't you been reading the papers? Haven't you been taking notice? Commodity prices have been falling for some months now, and they could fall even further. The break-even price for our thermal coal is $80 per tonne—and that is what it is now. There are some predictions that this could even drop to $50 a tonne. Let us hope that this is not correct. Coking coal, at $180 a tonne, is a little bit stronger, but it is also down from $230 a tonne. Some Central Queensland mines have closed already and some have undergone shift rearrangements—contractors have been stood down and permanent jobs are under threat. The MRRT, the carbon tax, high fuel prices and the high Australian dollar are not helping our fiscal budgets, and any windfall this government thinks it is going to make out of the mining tax is going to be sadly missed. A lot of new mines and proposed developments of new mines are now on hold.

**Tobacco Plain Packaging**

Ms ROWLAND (Greenway) (13:58): I rise to mention the federal government's historic plain packaging legislation and thank the Attorney-General and the Minister for Health for their commitment to this important piece of public policy. This legislation is of great importance to the community I represent in Western Sydney, which experiences an extremely high rate of preventable illness, including lung cancer. As a former director of the Western Sydney Area Health Service and a former smoker, I am well aware of the challenges facing my constituents with regard to preventable illness and the damage smoking does to your health.

According to the New South Wales Ministry of Health, lung cancer incidence rates were 43.9 per 100,000 people in the Western Sydney local health district in 2008, with the rate for males being considerably higher than for females. Western Sydney experiences higher rates of lung cancer than the New South Wales average, so we must do everything we can to ensure rates of lung cancer and preventable illness fall—especially, we must discourage young people from taking up the habit.

Yesterday's decision by the High Court to uphold the government's legislation is a victory for all those families I represent who have lost someone to a tobacco related illness. It is also a victory for the public health advocacy movement generally. I commend advocacy groups, the Cancer Council, the Attorney-General and the Minister for Health for standing up to big tobacco and winning for all those people out there who have been touched by tobacco related deaths.

The DEPUTY SPEAKER (Ms AE Burke): Order! In accordance with standing order 43, the time for members' statements has concluded.

**CONDOLENCES**

Diddams, Sergeant Blaine Flower

Report from Federation Chamber

Order of the day returned from Federation Chamber for further consideration; certified copy presented.

Debate resumed on the motion:

That the House record its deep regret at the death on 2 July 2012, of Sergeant Blaine Flower Diddams during combat operations in
Afghanistan, place on record its appreciation of his service to his country, and tender its profound sympathy to his family in their bereavement.

The DEPUTY SPEAKER (Ms AE Burke) (14:00): The question is that the motion be agreed to. I ask all honourable members to signify their approval by rising in their places.

Question agreed to, honourable members standing in their places.

MINISTERIAL ARRANGEMENTS

Ms GILLARD (Lalor—Prime Minister) (14:01): I inform the House that the Minister for Housing, Minister for Homelessness and Minister for Small Business will be absent from question time today for personal reasons. The Minister for Families, Community Services and Indigenous Affairs will answer questions in relation to housing and homelessness and on behalf of the Minister for Human Services. The Assistant Treasurer will answer questions in relation to small business on his behalf.

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr ABBOTT (Warringah—Leader of the Opposition) (14:02): My question is to the Prime Minister. I refer the Prime Minister to her promise, made precisely two years ago today, that: There will be no carbon tax under the government I lead.' Will the Prime Minister now apologise to Australia's forgotten families for this breach of faith?

Ms GILLARD (Lalor—Prime Minister) (14:02): I must admit I am not surprised by the Leader of the Opposition's question and I would say to the Leader of the Opposition that if he wants to talk about anniversaries then it is six weeks from 1 July when all of the reckless claims he has made about the Australian economy and the impact of carbon pricing have been proved to be wrong. On 1 July—

Mr Pyne: Madam Deputy Speaker, I rise on a point of order. It is about direct relevance. The Prime Minister was asked about her promise two years ago, and that is what she has to answer.

The DEPUTY SPEAKER (Ms AE Burke): The Manager of Opposition Business is warned. Abusing points of order throughout question time is inappropriate. The Prime Minister has the call. She has just commenced her answer.

Ms GILLARD: Of course, since carbon pricing started on 1 July, according to the TD Securities Melbourne Institute price index inflation has been at 0.2 per cent. That is one-fifth of 1c for every dollar spent. The Leader of the Opposition promised astronomical price rises. Since 1 July, in July we saw 14,000 new jobs created. The Leader of the Opposition promised a wrecking ball through the economy. The Leader of the Opposition predicted the death of the coal industry. Our industry is strong and expanding. He predicted that Whyalla would be wiped off the map and of course the town of Whyalla is still there, despite the Leader of the Opposition’s false and wild claims.

Australia needs a price on carbon in order to reduce carbon pollution, tackle climate change and seize a clean energy future. Prime Minister John Howard understood that because it is basically five years since he said he would put a price on carbon. When Brendan Nelson was Leader of the Opposition, he was committed to a price on carbon. When the member for Wentworth, Malcolm Turnbull, was Leader of the Opposition, he was committed to a price on carbon. And the truth is: the Leader of the Opposition has been committed to a price on carbon in the past and has engaged in this scare campaign for political purposes. Our economy needs a price on carbon. We need a price on carbon for a clean energy future. We
need it to reduce carbon pollution. And the Leader of the Opposition should come clean and acknowledge to Australians that, if he were ever Prime Minister, he would keep carbon pricing. He has been in favour of it in the past. Every living Liberal leader is in favour of carbon pricing, and the Leader of the Opposition should be clear with the Australian people that, whether or not he is Prime Minister, carbon pricing is here to stay.

Ms GILLARD: Madam Deputy Speaker, I rise on a point of order. The opposition finds it offensive that the Prime Minister should make statements which are not true, and she should withdraw that statement.

The DEPUTY SPEAKER: The Leader of the Opposition will resume his seat. The member for Deakin has the call. I will not continue this debate.

Manufacturing

Mr SYMON (Deakin) (14:07): My question is to the Prime Minister. Will the Prime Minister update the House on the outlook for manufacturing as part of a clean energy future?

Ms GILLARD (Lalor—Prime Minister) (14:07): I thank the member for Deakin for his question. The member for Deakin, I am sure, as someone very interested in jobs for Australians in manufacturing today and jobs in manufacturing tomorrow, would be pleased to hear that the report of the non-government members on my manufacturing task force was released today. I thank all of the people who have worked so hard—people from businesses, people from trade unions and people from industry associations like the Australian Industry Group. I particularly thank Innes Willox and Dave Oliver for accompanying me and the Minister for Industry and Innovation at the release today.

This is an important report about the jobs of one million Australians. One million
Australians work in manufacturing. These are good jobs for Australian working people—blue-collar jobs that families have relied on sometimes for generations. I can assure the House that during this time of change in manufacturing we will be working with our manufacturing sector. I want to see strength in manufacturing today and I want us to have a strong manufacturing industry in the future and past the days of the resources boom.

The people who know about manufacturing know that the pressure on manufacturing today is the strength of the Australian dollar. That point was made very graphically by Innes Willox from the Australian Industry Group at the press conference today, where he said it was the single biggest factor for manufacturing. A strong Australian dollar is there because of the strength of our economy, the strength of our resources sector, the fact that many around the world view us as a safe haven. So our economy is a world leader, but it is putting pressure on manufacturing, and so we want to keep working with manufacturing.

We already have a range of policies to support the jobs of manufacturing workers: our work with the car industry—to which, of course, the opposition is opposed—and our work on skills, our work on a clean energy future, our work on the National Broadband Network, our work on traditional infrastructure, our work on Australian industry participation, our work on encouraging people to buy Australian, and our work with our great scientific organisations like the CSIRO. But we believe that more can and should be done. I thank the members of the Prime Minister's manufacturing task force, my task force, for their quality work and for their powerful vision of Australia's manufacturing future.

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**Electricity Prices**

Mr **ABBOTT** (Warringah—Leader of the Opposition) (14:10): My question is to the Prime Minister. Is the carbon tax designed to increase or to decrease the price of electricity?

Ms **GILLARD** (Lalor—Prime Minister) (14:10): The carbon tax is designed to decrease carbon pollution. The carbon tax is designed so that our biggest polluters pay a price on carbon pollution.

_Opposition members interjecting_—

The **DEPUTY SPEAKER** (Ms AE Burke): A question has been asked. I would have thought people would like to hear the answer.

Ms Julie Bishop interjecting—

The **DEPUTY SPEAKER**: The Deputy Leader of the Opposition is warned!

Ms **GILLARD**: The carbon price is designed to reduce carbon pollution, just as when Prime Minister Howard announced that if he was re-elected in 2007 he would legislate an emissions trading scheme. The purpose of that price on carbon was to reduce carbon pollution, just as when Brendan Nelson was Leader of the Opposition and he was in favour of putting a price on carbon. The purpose of it was to reduce carbon pollution, just as when the member for Wentworth was the Leader of the Opposition and he advocated—

Mr **Pyne**: Madam Deputy Speaker, I rise on a point of order. The question could not have been any more straightforward and tight. The Prime Minister only needs to say whether it would increase or decrease electricity prices. That is the question she has to answer.

The **DEPUTY SPEAKER**: The Manager of Opposition Business will resume his seat. The Prime Minister has the call and will return to the question before the chair.
Ms GILLARD: I was asked what the carbon price was designed to do and I am explaining that. I am also explaining that former Prime Minister Howard, Brendan Nelson, the member for Wentworth and, for much of the time that he has been in the Australian parliament, the Leader of the Opposition fulsomely agreed with that proposition. He was in favour of carbon pricing, out there loud and proud, and of course he will return to that.

The DEPUTY SPEAKER: The Prime Minister will return to the question before the chair.

Ms GILLARD: Thank you, Deputy Speaker. In terms of the impact on electricity prices, the government has always been crystal clear about this. We said Australian households and Australian families should expect to see a 10 per cent increase in their electricity prices. They are seeing a 10 per cent increase in electricity prices, and because of that we have provided them with tax cuts, family payment increases—

Mrs Bronwyn Bishop: Madam Deputy Speaker, on a point of order—

The DEPUTY SPEAKER: A point of relevance has already been made.

Mrs Bronwyn Bishop: I refer you to page 555 of the Practice, which points out that not all areas are covered by the standing orders relating to answers, including one of verballing the opposition. It does say, however, that you have the power to rule against that practice which the Prime Minister indulges in answer after answer, and verballing is not parliamentary practice.

The DEPUTY SPEAKER: The member for Mackellar will resume her seat. The Prime Minister has the call.

Ms GILLARD: The government has always said carbon pricing would affect electricity prices that families pay and that effect would be 10 per cent. It is 10 per cent, and because we knew that there would be that price flow-through we have provided tax cuts, family payment increases and pension increases. What that means is that on average families will see assistance of $10.10. The costs that they will see for electricity are $3.30 a week, the average assistance $10.10 a week.

Of course, people have struggled with electricity price rises—the 50, 60 or 70 per cent that have proceeded because of the nature of the current electricity market and decisions taken by state governments. I am very concerned about the impact of that on Australian families, pensioners and people with fixed incomes and we intend to act on that.

Of course, the Leader of the Opposition has described that as a furphy, in stark contrast to what is being said by his state colleagues.

So we will act on electricity price rises that have come without any real assistance for people. The Leader of the Opposition well knows that carbon pricing has a flow-through impact for electricity—heavens above, he used to be in favour of it.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:14): Mr President, I ask a supplementary question. Now that the Prime Minister has admitted that the carbon tax will increase the price of electricity, will she also admit that it will not actually reduce emissions, which go up from 578 million to 621 million tonnes, by 2020, despite a $37 a tonne carbon tax?

Honourable members interjecting—

The DEPUTY SPEAKER (Ms AE Burke): Order! Government members are denying the Prime Minister the call. The parliamentary secretary—and he knows which one I am referring to—is warned. The Prime Minister has the call.
Ms GILLARD (Lalor—Prime Minister) (14:15): The Leader of the Opposition, who is obviously desperately casting around to create some drama here, would well know that from the day we announced carbon pricing we were very clear about the impact on electricity prices for families. The Leader of the Opposition then ran around the country and said, 'Oh, it won't be 10 per cent, it will be 20. It will be unimaginable. You just wait and see.' And of course the jury is in now and it is 10 per cent, which means the majority of Australian households will come out of carbon pricing either square or in front. The Leader of the Opposition well knows that these are the designs of a carbon-pricing scheme, because he sat in a federal cabinet when one was being designed—

The DEPUTY SPEAKER: The Prime Minister will resume her seat. The Manager of Opposition Business has a point of order. If it was about relevance I was about to ask the Prime Minister to return to the question.

Mr Pyne: All right.

The DEPUTY SPEAKER: The Prime Minister was asked about the reduction in emissions. I am going to ask her to return to that part of the question.

Ms GILLARD: When the Leader of the Opposition was sitting in the Howard cabinet designing a price on carbon, he too would have known that it is the most efficient way of reducing carbon pollution. And because of the carbon pricing scheme we will reach our target.

Mr Pyne: You have asked the Prime Minister three times to come to the question and she still has not talked about the rise in emissions by eight per cent.

The DEPUTY SPEAKER: The Prime Minister will be relevant to the question before the chair.

Ms GILLARD: Because of our carbon pricing policy our nation will hit our target of reducing carbon emissions by five per cent by 2020.

Mr ABBOTT (Warringah—Leader of the Opposition) (14:17): Mr President, I ask a further supplementary question. Can the Prime Minister confirm that the government's own modelling shows that Australia's domestic emissions rise from 578 million tonnes in 2010 to 621 million tonnes by 2020, despite the carbon tax. This is an eight per cent rise, not a five per cent cut. Can she please confirm her own modelling? (Time expired)

Ms GILLARD (Lalor—Prime Minister) (14:18): I can confirm for the Leader of the Opposition that our carbon pricing scheme will enable us to reach our minus five per cent target by 2020, which, from the Leader of the Opposition's earlier statements, I had understood was a target the opposition shared.

I also say to the Leader of the Opposition, who is obviously very interested in these questions today, that he may want to reflect on some of the material from the emissions trading scheme, the carbon price he was in favour of. He may want to reflect on how he stood for election in 2007 with the coalition's climate change policy saying that its scheme will lead to higher fuel and energy costs for households, which is something he was very much in favour of. But, interestingly, there is no mention of assistance for Australian families. That is the difference between us. We support carbon pricing and he supported carbon pricing, but we support it with assistance and he does not.

The DEPUTY SPEAKER: The Leader of the Opposition is seeking to table a document.

Mr Abbott: The page from the government's own modelling indicating the
truth of an eight per cent increase in domestic emissions and indicating that they only—

The DEPUTY SPEAKER: The Leader of the Opposition will resume his seat. The option available to table a document is to stand and refer to the document and not to use it as an opportunity for more debate. Is leave granted for the document to be tabled?

Mr Albanese: No.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Ms AE Burke) (14:20): I inform the House that we have present in the gallery this afternoon members of the Argentine Mission to Australia Project, led by their able ambassador. On behalf of the House I extend a very warm welcome to the members.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Economy

Dr LEIGH (Fraser) (14:20): My question is to the Treasurer. Treasurer, what does recent data say about the strength of the Australian economy and what is the Australian government doing to ensure the economy remains strong?

Honourable members interjecting—

The DEPUTY SPEAKER: Order! The member for Berowra is warned.

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:21): In the face of ongoing global uncertainty the Australian economy continues to outperform virtually every other advanced economy. In the year to March our economy has grown by 4.3 per cent. That is more than twice that experienced by other major advanced economies. So far this year 100,000 jobs have been created in Australia—800,000 jobs during the period of the government.

And over the year to March, private business investment has grown by 20 per cent, to be at its highest level of GDP in 40 years. And in the past year the advance stage of the investment pipeline in resources has grown by nearly $90 billion. Consider that: over the past year, investment in resources at the advanced stage has grown by $90 billion. All of this has happened in the full knowledge that a carbon price was starting on 1 July.

All of these facts about economic growth, about the performance of our economy over the past year, absolutely torpedo all of the lies that have been told by the Leader of the Opposition—absolutely torpedo the scare campaign that he has been mounting over the past year.

Opposition members interjecting—

The DEPUTY SPEAKER: Order! The Treasurer will resume his seat. I ask him to withdraw the use, if I just heard him use the word 'lie'—

Mr Robert interjecting—

The DEPUTY SPEAKER: Order! The member for Fadden! The difficulty I have is that I often cannot hear a thing. That is probably a blessing on numerous occasions, but I did not hear the first part because of the noise. The Treasurer will withdraw.

Mr SWAN: I do withdraw, Madam Deputy Speaker. Over the past year the Leader of the Opposition has been running around like Chicken Little, saying the sky is going to fall in. And, of course, in that time, our economy has gone from strength to strength to strength. So when you look at that data, and see the performance of the Australian economy, and you reflect on all of the distortions that the Leader of the Opposition has been putting in place, you can see that he is unfit for high office—because he is constantly at war with the facts; he does not have the temperament and he does not have the ability to understand
what is happening in our national economy. He would rather see the country and the economy fail than this government succeed, because he can never take a position in the national interest. For our part, we are focusing on policies which will grow our economy and spread the opportunities right around the whole of Australia. We understand how important it is to help households, and to help small businesses, that are not in the fast lane of the mining boom.

We had a motion in the House this morning that celebrated our strong economy, moved by the member for Fraser, and the Leader of the Opposition could not even bring himself to vote for that. This just shows how unfit for high office the Leader of the Opposition is. (Time expired)

Dr LEIGH (Fraser) (14:25): Madam Deputy Speaker, I ask a supplementary question. The Treasurer has spoken about the strong performance, in the full knowledge of carbon pricing, of the Australian economy. Is there more recent data that supports this?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:25): I thank the member for Fraser, because the recent data puts a wrecking ball right through the Leader of the Opposition's aggressively negative campaign talking down our economy. He was saying the price rises would go through the roof, that jobs would be destroyed—well, we have seen 14,000 jobs created in July alone; 100,000 jobs over the past year. We have seen the TD Securities inflation gauge record its lowest annual point in nearly three years. All of these are facts. But we have a Leader of the Opposition who is at war with the facts and with reality. He will say anything and do anything to achieve his political objective, including trying to talk down our economy. And in that he has been joined by the Premier of Queensland—

Mr Ewen Jones interjecting—

Mr PYNE (Sturt—Manager of Opposition Business) (14:26): Madam Deputy Speaker, I rise on a point of order. I put it to you that it is disorderly for the Treasurer to continue to make false assertions about what the Leader of the Opposition believes and what he does, and I would ask you to—

The DEPUTY SPEAKER: Order! The Manager of Opposition Business will resume his seat. The Treasurer has the call.

Mr Ewen Jones interjecting—

Mr Swan: The Leader of the Opposition has endorsed the remarks of the Premier of Queensland—

The DEPUTY SPEAKER: Order! The member for Herbert will remove himself from the chamber under standing order 94(a).

The member for Herbert then left the chamber.

Mr SWAN: that the Queensland economy was like Spain. This was one of the most deeply irresponsible statements that has ever been made by a political leader in this country—and it has been endorsed by the Leader of the Opposition. And of course he has denied the fact that electricity prices have been going up for years and years and years, and he has sought to distort those facts for political advantage. What it shows is that he is unfit for high office and not fit to run a $1.5 trillion economy.

Carbon Pricing

Mr TRUSS (Wide Bay—Leader of The Nationals) (14:27): My question is to the Prime Minister. Will the Prime Minister confirm that the government's own modelling says that at least three million Australian households will be worse off under her carbon tax?
Ms GILLARD (Lalor—Prime Minister) (14:27): To the Leader of the Nationals question: we have always said we were providing assistance to nine out of 10 households. As a Labor government, in the provision of assistance, we of course have sought to benefit middle- and low-income families. We have sought to benefit people in Australia on fixed incomes, like pensioners; we have sought to benefit those who need that assistance the most. That is what Labor governments do. That is why we have provided a tax cut by tripling the tax-free threshold—because I believe that working Australians who earn less than $80,000 a year should see a benefit, and I believe that part-time working Australians, many of them working women returning after the birth of their children, should see the biggest benefit, and many of them will go from paying tax to paying absolutely no tax at all. Many of them will see themselves $500 or $600 better off.

Then, of course, we are concerned about those on low- to middle-income families raising kids. It can obviously be a struggle. That is why we have done things separate to pricing carbon, like the schoolkids bonus and like increasing the amount of money for childcare costs. But, as we have put a price on carbon, we have increased family payments and we are intending to do it again, through the minerals resource rent tax, so those families too can get a share of the resources boom.

Then, being the government that provided an historic increase to pensioners who had waited far too long for that increase—and who certainly had not seen it considered by the former government—we determined to provide pensioners with 20 per cent more than the average impact of carbon pricing on them, because we wanted to make them better off.

Opposition members interjecting—

Ms GILLARD: I know the circumstances of working Australians, pensioners and people raising kids might be a matter of comedy for the opposition, but for the government it is deadly serious business. We will continue to do everything we can to work with those Australians to ensure that we keep the economy strong, to ensure that we manage it in their interest and to ensure that we work with them on the cost-of-living pressures they face—like the big escalations in electricity prices that the Leader of the Opposition is pretending do not exist, because he is worried about offending his Liberal mates in states around the country.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Ms AE Burke) (14:30): I want to recognise Graham Edwards, our former colleague, who is in the gallery, and to clarify that I did exclude the member for Herbert under 94(a).

QUESTIONS WITHOUT NOTICE

Fisheries

Mr WILKIE (Denison) (14:30): My question is to the Prime Minister. The government is relying on the Australian Fisheries Management Authority in the super trawler Margiris matter. But AFMA has admitted that it did not take the Fisheries Administration Act literally when it decided the quota relevant to the vessel, meaning the quota was unlawfully determined and is now invalid. As the Commonwealth Ombudsman is looking into these matters, will the government hold off registering the super trawler until the ombudsman has finalised her inquiries?

Ms GILLARD (Lalor—Prime Minister) (14:31): I thank the member for Denison for his question. The member for Denison is raising with me, effectively, a legal issue about the operation of the Australian
Fisheries Management Authority. As I am advised, the Australian Fisheries Management Authority has acted in a lawful way. What he is referring to is the work of the advisory committee. It is not the advisory committee that makes the relevant decisions and industry members do not make the relevant decisions; the Australian Fisheries Management Authority does that independently. But perhaps I can say to the member for Denison more broadly that I certainly do understand that there is a—

Mrs Bronwyn Bishop: Madam Deputy Speaker, on a point of order: the Prime Minister, in answering the question, said she was being asked for a legal opinion. A question that asks for a legal opinion is out of order, and therefore the question remains out of order on the admission of the Prime Minister.

The DEPUTY SPEAKER (Ms AE Burke): I must apologise. I was seeking to clarify something that has nothing to do with anybody else in the chamber at the moment, and I did not hear that. If she did, then the member for Mackellar is correct, and legal opinion cannot be sought.

Mr Wilkie: I did not ask for it.

The DEPUTY SPEAKER: You did not ask, and you have not sought to clarify it on that basis.

Ms GILLARD: I am not promising a legal opinion; I am referring to some advice I have received about the Australian Fisheries Management Authority working within the ambit of the Fisheries Administration Act.

Mr Wilkie: I am not asking for a legal opinion, I am—

The DEPUTY SPEAKER: The member for Denison is seeking clarification on the question that the Prime Minister has heard and is answering. I thank the member for Denison.

Ms GILLARD: I was just about to say to the member for Denison that I am well aware of concerns about this vessel, this super trawler, because they have been raised with me by Tasmanian members of the government, and raised with me very clearly. They have heard community concern about this matter, and they have relayed that community concern to me. And I understand that the member for Denison is concerned about the matter too.

I would just say to the House that the size of a fishing catch is not determined by the size of the vessel; it is determined by the Australian Fisheries Management Authority on what it believes to be the available science on sustainability of the fishing stock. Having said that, there are issues with vessel size in the sense that the bigger the vessel the more fish it can take from a localised area—and I know that is causing some concerns for the community of Tasmania.

Because we have heard those concerns, the fisheries minister, Senator Ludwig, and the parliamentary secretary, the member for Braddon—who is a Tasmanian himself—have established a special working group to facilitate discussion between the company and interested parties, including recreational fishermen. The potential for that localised depletion of fish stocks is one of the areas of discussion and one of the matters under consideration because of these concerns.

Mr Wilkie: Madam Deputy Speaker, I raise a point of order on relevance: I have pointed out simply that the Ombudsman is making inquiries into the behaviour of AFMA—and that is a fact. I have simply asked the Prime Minister, and I would be grateful for an answer: is she prepared to delay any decision on the registration of the vessel until the Ombudsman has had the opportunity to complete her inquiries?
The DEPUTY SPEAKER: The Prime Minister has concluded her answer.

Mr WILKIE (Denison) (14:35): Madam Deputy Speaker, I ask a supplementary question. Prime Minister, it is a fact that the Ombudsman is making inquiries into the conduct of AFMA, as it should. My question, and I would be very grateful—in fact, Tasmania would be grateful—for a direct answer, is: will the government delay making any decision about the registration of the super trawler until the Ombudsman has completed her inquiries?

Ms GILLARD (Lalor—Prime Minister) (14:35): I do understand the concerns; I have heard them loud and clear. But the approach the government is going to take is that we will have this work process: the minister for fishing and the parliamentary secretary—a person from Tasmania who is right in this chamber—will work these issues through. That is the approach we are taking, because we do understand that there are issues for the community in Tasmania and that other Australians are also very concerned about the potential for localised depletion of fish in our oceans.

Carbon Pricing

Ms ROWLAND (Greenway) (14:36): My question is to the Minister for Climate Change and Energy Efficiency and Minister for Industry and Innovation. Will the minister outline the significant action being taken here and overseas to reduce pollution? Why is it important that the debate around carbon pricing be driven by facts, not fear?

Mr COMBET (Charlton—Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency) (14:36): I thank the member for Greenway for her question. Last year, acting on the scientific advice, countries around the world, including all the major emitters and including Australia—committed to take on legal obligations from 2020 to reduce greenhouse gas emissions—and of course that is further to the pledges they have made to reduce emissions up to 2020.

As part of this mendacious and deceitful campaign that the coalition and the Leader of the Opposition have run, the Leader of the Opposition has been claiming that Australia is somehow acting alone; that we are on our own; the rest of the world is doing nothing; nothing is going on; there are no agreements to cut emissions. In fact, last year the Leader of the Opposition had this to say: 'There is no sign, no sign whatsoever, that the rest of the world is going to do things like introduce carbon taxes or emissions trading schemes.'

At the time that statement was made, New Zealand had an emissions trading scheme and more than 20 countries had had emissions trading for six years. The Kyoto Protocol had been place for quite some period of time. But in that context the Leader of the Opposition's take on international affairs is that the US is not a foreign country. It has all the credibility and quality of his foreign policy observations. In this context I was very surprised to read this morning that the member for Flinders, the shadow minister, has in fact committed the coalition to sign up to the international agreements to reduce greenhouse gas emissions. These are the same agreements that the opposition leader says do not exist—that no-one is committed to. No-one is doing anything! But the fact of the matter is that, try as he might to deny it, many countries are taking action to reduce their greenhouse gas emissions.

All 27 European Union member countries, including the UK under the conservative government, are cutting emissions. China, Korea, Switzerland, Norway, Sweden, New Zealand and South Africa, are all introducing moves to carbon pricing arrangements to cut their emissions. Those countries know it is
the most efficient way to go about all of this. The coalition knows it, and that is why their campaign is a massive fraud—a complete litany of lies; a completely mendacious campaign.

The DEPUTY SPEAKER: The minister will withdraw.

Mr COMBET: I withdraw, Deputy Speaker. Make no mistake about this: the carbon price has come in and people are starting to realise what a fraudulent campaign this is. And they also know that the greatest fraudulent claim of all is that the coalition will repeal it, because everyone knows that the coalition will not and cannot repeal—\(\text{(Time expired)}\)

Ms ROWLAND: I rise to ask a supplementary question. The minister's answer—

Honourable members interjecting—

The DEPUTY SPEAKER: Order! The member for Greenway will commence her question again. She should not have to yell to be heard.

Ms ROWLAND: The minister's answer outlined why facts are important in our efforts to tackle dangerous climate change. Can he give more examples of why this is important.

Mr COMBET: Factual information is very important. Take, for example, the assertion made by the member for Boothby yesterday in relation to the Belair Hotel. It is fascinating that on having a look at the bill the carbon price is, in fact, less than 10 per cent of the cost of the bill—exactly what the government indicated it would be. It is exactly consistent with the Treasury modelling. Misrepresentation, deceit, mendacious claims. The coalition is very fond of anniversaries—

The DEPUTY SPEAKER: Member for Boothby, do you have a point of order?

Dr Southcott: I do not rise on a point of order. The minister has just used the words 'mendacious', 'deceit' and—

The DEPUTY SPEAKER: The member will resume his seat. If I asked everybody to draw everything we would be here all day. I am putting a line in the sand on one word.

Mr COMBET: The coalition are very fond of anniversaries; that has been raised today. It is three years since the Leader of the Opposition said he supported a carbon tax. That is what it is: it is the third year anniversary of the Leader of the Opposition saying on television that he supported a carbon tax. It is five years since the Howard government indicated that the coalition would introduce a world-leading emissions trading scheme. What hypocrisy! Twelve months ago the Leader of the Opposition said that upon introduction of the carbon price, food prices would go up five per cent. What did we indicate yesterday? TD Securities found a 0.2 per cent increase in consumer prices during July and in that survey they found that food prices were unaffected by the introduction of the carbon price. That is TD Securities and the Melbourne Institute—\(\text{(Time expired)}\)

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Ms AE Burke) (14:42): I inform the House that we have present in the gallery this afternoon members of a parliamentary delegation from the Lao People’s Democratic Republic led by the President of the Lao National Assembly, Her Excellency Madam Pany Yathortou. On behalf of the House I extend a very warm welcome to our visitors.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Carbon Pricing

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (14:42): My question is to the
Prime Minister. I refer the Prime Minister to the Western Suburbs Leagues Club in my Hinkler electorate, which has just received its July electricity account, showing that carbon tax almost doubled the off-peak power charge, hitting the club with an additional power cost of $7,500 a year. Will the Prime Minister apologise to the club and its treasurer Ray Haylock for promising two years ago, 'There will not be a carbon tax under a government I lead.'

Ms GILLARD (Lalor—Prime Minister) (14:43): Thank you very much. To the member for Hinkler I say that this is a bit like the discussion we had about the Belair Hotel and the claims that were made in this parliament yesterday. The fact, of course, is that that hotel has experienced an increase in its power price of less than 10 per cent, and that is what we predicted as the price impact on power for Australian households. We made predictions through the modelling and those predictions have come true.

To the member for Hinkler: I say to him—once again looking at the power price impacts—that we know what the power price impacts are. They are the same as what we said they would be when we announced carbon pricing. And, because of those impacts, we have put more money in people's pockets, including the people who go to the club that he refers to. There is more money through tax cuts. A million Australians are not paying tax any longer, or keeping $18,200 before they pay a cent of tax—

Mr Pyne: Madam Deputy Speaker, I rise on a point of order. The Prime Minister was asked whether she would apologise for her broken promise to the members of the Western Suburbs Leagues Club.

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat.

Ms GILLARD: And members of that leagues club would be benefiting from those tax cuts. Members of that leagues club would be benefiting from the family payment increases. Members of that leagues club would be benefiting from the arrangements that we have made for pensioners. We have deliberately calculated the amount of assistance because we wanted to see pensioners come out in front, and so they were given 20 per cent more than the average impact of carbon pricing upon them as it flows through.

So, to the member who has raised the question with me, I would say the following. He would acknowledge, I believe, that the government's modelling has accurately predicted the effects we have seen in the community. They are nowhere near the same as the scare campaign that has been run predicted. People in his electorate would have those tax cuts, family payment and pension increases. The member who asked the question, as a member of long standing in this House, would recall that he stood in the 2007 election campaign promising to put a price on carbon, exactly as the Leader of the Opposition did—promising to put a price on carbon. And the Leader of the Opposition, should he ever be Prime Minister, will keep that price on carbon.

Mr Neville: In light of the Prime Minister's comments, Madam Deputy Speaker, I seek leave to table an analysis for July from AGL electricity of the club's charges that shows, in addition to that—

The DEPUTY SPEAKER: The member will resume his seat. I understand he is seeking to table the document. The Leader of the House, is leave granted?

Mr Albanese: Deputy Speaker, yesterday the member for Boothby suggested it—

The DEPUTY SPEAKER: The Leader of the House—
Mr Albanese: and did not table the document.

The DEPUTY SPEAKER: The Leader of the House, is leave granted?

Mr Albanese: So if he sends it around we’ll have a look at it.

The DEPUTY SPEAKER: Leave is not granted.

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

The DEPUTY SPEAKER: The member for Hinkler will resume his seat. I, like previous Speakers, will not engage in debates about this. If you want to raise it with me after question time you can.

Mr Neville: The point of order is not on this matter.

The DEPUTY SPEAKER: The member for Hinkler has the call.

Mr Neville: Madam Deputy Speaker, I raise a point of order on process. Is it not the form of the House that something is either accepted for tabling or not, and is it—

The DEPUTY SPEAKER: The member for Hinkler will resume his seat. The Leader of the House has not given approval to table the document. The member for Reid has the call.

Mr Neville interjecting—

The DEPUTY SPEAKER: Member for Hinkler, I will not enter into this debate. The member for Hinkler will resume his seat. I have not made a ruling. I have indicated previous speakers have sought to resolve these issues after question time. You can raise it then. We now have a very limited time for question time, and I think it is highly inappropriate to keep eating into it.

Carbon Pricing

Mr MURPHY (Reid) (14:48): My question is to the Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform. Will the minister update the House on how the government has supported families with the introduction of the carbon price and what has been the impact of this support?

Ms MACKLIN (Jagajaga—Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform) (14:49): I thank the member for Reid very much for that question. He knows that this Labor government is all about making sure we do everything we possibly can to support families and to support pensioners in the challenges that they face every day to make ends meet. That is why we made the priority in our household assistance package helping those families and helping those pensioners. I can inform the member for Reid that, in his electorate alone, 37½ thousand households received extra help in the last couple of months.

Mr Hockey: That'll save you, Murph!

Ms MACKLIN: The member for North Sydney interjects. Of course, the member for Reid will be able to inform his electors that if the member for North Sydney gets his way they will claw back every single cent of the money that the member for Reid made sure they get.

This government has introduced a price on carbon and we have done it, as the Prime Minister has indicated today, because we do want to build a strong, clean economy, not just for today but for the future. I want to acknowledge the students from Loyola College in my electorate that are in the gallery today. This is all about making sure that young people, in the future, have the opportunity to live in a clean economy. We are of course also delivering to millions of other Australians. We have made sure that 6.7 million households receive extra assistance, whether it is pensioners, students,
self-funded retirees or other people on low incomes. They are all able to use this money to help with everyday costs, whether for groceries or electricity. One of the other major changes that this government has delivered is to make sure that seven million Australians have received a tax cut. People earning up to $80,000 have received a tax cut from this government.

So, six weeks in from the introduction of the carbon price, we see that the sky has in fact not fallen in. Families are still getting up every day, making sure their children go to school and going off to work themselves, and they have been getting the extra help from this government. What we know from the Leader of the Opposition is that he has a very, very clear plan to claw this money back from those families and those pensioners.

(Time expired)

Carbon Pricing

Dr Southcott (Boothby) (14:52): My question is to the Prime Minister. I refer to the latest electricity bill of the Lakes Resort Hotel in South Australia, which shows that the carbon tax is costing them an additional $3,500 a month—and you think that is pretty funny. Will the Prime Minister apologise to the owners and their customers for promising them two years ago that ‘there will be no tax under the government I lead’?

Mr Adams interjecting—

The Deputy Speaker: The member for Lyons is not assisting the dignity of the chamber.

Ms Gillard (Lalor—Prime Minister) (14:53): To the member for Boothby's question, the member for Boothby yesterday raised an issue about electricity pricing and the Belair Hotel. When that matter was looked at, what was clearly found was the increase in the price paid by the Belair hotel, when they paid their power bill, was less than 10 per cent. That is as the government had predicted. The member for Boothby ought to acknowledge that fact.

The member for Boothby is now referring to another business in his electorate. Let me say after yesterday's experience, one would want to check the facts. The member for Boothby is also of long standing in this House. In 2007 when the member for Boothby's sought re-election, he did it on a platform of pricing carbon. The policy document that he stood on at that election said that the coalition's plan to price carbon would lead to higher fuel and energy costs for households, community facilities and small businesses.

Dr Southcott: Madam Deputy Speaker, I rise on a point of order. The question is about a carbon tax bill of $3,500 for the Lakes Resort Hotel and the Prime Minister apologising for what she said five days before the election.

Ms Gillard: I am talking about carbon pricing and the facility that the member for Boothby refers to. In 2007, the member for Boothby presumably went to that facility and said that his policy, the coalition's policy, was to put a price on carbon, which would lead to higher fuel and energy costs for households, community facilities and small businesses.

Mr Abbott interjecting—

Ms Gillard: The Leader of the Opposition is interjecting. He would well remember designing that policy as a member of Prime Minister Howard's cabinet. He would have seen all of the documents. What of course the coalition did not talk about then, which this government has ensured has occurred, is that households have benefited from tax cuts, family payment increases and pension increases. We wanted them to have that money because we knew that there
would be a flow-through impact of carbon pricing.

Talking about electricity, the average assistance is $10.10 per household while the average impact is $3.30. To the member for Boothby, to the Leader of the Opposition, to coalition members opposite, it is about time they actually acknowledged that their plan in the past was carbon pricing, their leader has been in favour of carbon pricing and, if they were ever in government, they would keep the price on carbon.

Dr Southcott: I seek leave to table the July 2012 electricity account of the Lakes Resort Hotel showing a carbon tax bill of $3,500.

Mr Albanese: Given yesterday, leave is not granted.

Mr Christensen interjecting—

The DEPUTY SPEAKER: The member for Dawson!

Carbon Pricing

Mr NEUMANN (Blair) (14:56): My question is to the Assistant Treasurer and Minister Assisting for Deregulation. Will the Assistant Treasurer update the House on false and misleading claims made about the carbon price. What action has been taken by the ACCC and businesses to address such claims?

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:57): I thank the member for Blair for his question. The member is right to ask questions about false and misleading claims that have been made in relation to the carbon price because there have been many. In fact, most of them have been made by the coalition. As we all know, the carbon price came into effect on 1 July.

Mr Fletcher interjecting—

The DEPUTY SPEAKER: The member for Bradfield is warned.

Mr BRADBURY: What have we seen in that time? Have we seen the wrecking ball through the Australian economy that the Leader of the Opposition promised? No. What we have seen in that time is the ASX 200 rise by 4.6 per cent. We have seen 14,000 jobs created in that time and we have seen the TD Securities Melbourne institute inflation gauge record its lowest reading in almost three years. While there have been some false and misleading claims made, the good news is that most Australian businesses, the vast majority of Australian businesses, are doing the right thing.

For that small proportion of businesses that have been making false and misleading claims, the ACCC has been taking prompt action. So far we have seen enforcement action taken against a gym in Melbourne for using claims about the carbon price to try and lock its customers into long-term contracts. We have seen enforcement action taken again against Brumby's bakeries. We have seen enforcement action taken against a company that was making false claims about refrigerant gases, claims which those opposite have been recklessly seeking to beat up in order to make some political gain.

Mr Morrison interjecting—

The DEPUTY SPEAKER: The member for Cook!

Mr BRADBURY: While some of us have been out there trying to crack down on these price rises, the Leader of the Opposition has been mounting the mother of all scare campaigns, trying to give businesses the green light to jack up their prices and to blame it on the carbon price.

Mr Morrison interjecting—

The DEPUTY SPEAKER: The member for Cook will leave the chamber under standing order 94(a). His persistence in ignoring the chair is not warranted.
Mr Morrison then left the chamber.

Mr BRADBURY: But, thankfully, most Australian businesses have been turning their back on the invitation to join the Leader of the Opposition's reckless scare campaign. We all recall the dodgy pamphlet that was distributed by the Leader of the Opposition to butchers all around this country. We remember that pamphlet.

The Australian Meat Industry Council represent butchers all around the country. This pamphlet was drawn to their attention and they decided to write to their members in their newsletter and comment on it, saying: 'The federal opposition leader recently provided a flyer to many small business owners allegedly providing encouragement to increase prices as a result of the carbon tax.' Further, they say, 'AMIC strongly recommends that you do not claim that price increases are a direct result of the introduction of the carbon tax'—and, wait for it—

Mr Tony Smith interjecting—

The DEPUTY SPEAKER: The member for Casey is a serial interjector!

Mr BRADBURY: 'or display material to this effect which may have been provided by third parties'—third parties like the Leader of the Opposition. The Australian Meat Industry Council respect their customers and they respect the law and that is why they are asking their members to give your scare campaign the big chop. (Time expired)

Carbon Pricing

Mr O'DOWD ( Flynn) (15:00): My question is to the Assistant Treasurer. I refer the Assistant Treasurer to the electricity bill from QEnergy to the Biggenden Meatworks in my electorate. This clearly shows that there is a GST on the carbon tax component of the bill. Why did the Assistant Treasurer deny this fact to the Australian people and can he now confirm that it is a tax on a tax?

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (15:01): The goods and services tax, of course, is a tax on the final cost of the supply of goods and services. You ought to know about it because you introduced it. You introduced it after the former Prime Minister said he would never ever introduce it.

Opposition members interjecting—

The DEPUTY SPEAKER: Order! The Assistant Treasurer has the call. I will not tolerate any more outbursts like that, or there will not be anybody sitting on the frontbench.

Mr Hockey: Great, get rid of them all!

The DEPUTY SPEAKER: The member for North Sydney will leave the chamber under standing order 94(a).

Mr Hockey then left the chamber.

The DEPUTY SPEAKER: The Assistant Treasurer has the call.

Mr BRADBURY: When legislation was introduced in order to give effect to the carbon price we specifically excluded the carbon price from the imposition of the GST. The GST of course is a tax on the final cost of the supply of goods and services. If the introduction duction of the carbon price were to lead to some sort of windfall in the GST then your state Liberal premiers would be the first to be out there leading the cheer squad in support of its introduction.

The truth of the matter is that GST revenues have been written down. Go and talk to your state Liberal premiers. Member for Flynn, go and have a word to Mr Newman and ask him about whether or not he is receiving some sort of GST windfall from the introduction of the carbon price. He will do what the state premiers do every day
of the week: whinge and whinge and whine, and they will keep doing that until a federal government—not this one—accedes to their request to jack up the price of the GST.

The DEPUTY SPEAKER: The member for Flynn is seeking to table a document?

Mr O'Dowd: Yes, that is correct.

The DEPUTY SPEAKER: What is the document you are seeking to table?

Mr O'Dowd: The bill from QEnergy to Biggenden Meatworks.

The DEPUTY SPEAKER: I thank the member for Flynn.

Tobacco Plain Packaging

Mr GEORGANAS (Hindmarsh) (15:04): My question is to the Attorney-General. What is the international community's response to yesterday's High Court decision about the government's world-leading plain packaging legislation? How does this compare with some of the responses here at home?

Ms ROXON (Gellibrand—Attorney-General and Minister for Emergency Management) (15:04): I thank the member for Hindmarsh for his question. He, along with many other members on this side of the House, has campaigned hard for this reform and, as a reformed smoker himself, I know that he has had a particular interest in it. I think many people would have been surprised about the enthusiastic response that was received around the world for this measure that Australia is taking as a world leader.

I thought the House might be interested to know that organisations like the World Health Organization, along with the US based Campaign for Tobacco-Free Kids, the South African health minister, the New Zealand health minister, and reporters from the BBC, CNN, the Bangkok Post and the Pretoria News all have welcomed this decision of the High Court because they see that there is an opportunity for them to follow Australia and introduce harsher tobacco control measures themselves. It is obviously good news for those who have been fighting for many years for this change.

I am asked about both the international response and the local response. I fear I do have to report an error that was made yesterday in the House. I need to make an apology to the opposition because I said yesterday that there were some members opposite who welcomed this measure but they were all on the backbench. I have to tell you that following yesterday's decision I received many calls from people on the frontbench and the backbench of the opposition, and they were very welcome. I wanted particularly to share a note with you; I checked that the member for Fairfax was comfortable with me saying this. He sent a lovely note which said that, when he first joined the Public Service nearly 50 years ago, he turned up for his first day of work and presented at the office that issued material for your office. He said: 'I was given three things. I was given an in-tray, I was given an out-tray and I was given an ashtray.' Not many of us can imagine a world where that was the norm for every public servant. I am delighted that there are so many people across both sides of this House who can see that this is an important change.

However, there are three members—the member for Indi, the member for Sturt and the member for Goldstein—whom I have not heard anything from, and I wonder whether this is because each of them has received thousands of dollars in donations from the tobacco companies since this was reported. They have shown no interest in being prepared to support this important public health measure. Donations keep flowing in, and, since we are particularly talking about two-year anniversaries, I thought that people
might like to know that today is the two year anniversary of the Leader of the Opposition telling a Q&A audience that he intended to keep on taking those donations for as long as tobacco was legal.

**MOTIONS**

**Carbon Pricing**

Mr ABBOTT (Warringah—Leader of the Opposition) (15:07): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for Warringah moving immediately:

That this House calls on the Prime Minister to speak for ten minutes and to apologise for misleading the Australian people five days before the last election when she said "there will be no carbon tax under the government I lead."

Standing orders must be suspended because this is the second anniversary of the big lie.

The DEPUTY SPEAKER (Ms AE Burke): The Leader of the Opposition will withdraw.

Mr ABBOTT: I withdraw. This is this second anniversary of that massive betrayal, that complete breach of faith with the Australian people. Since then, we have had 731 days of deceit—731 days of deception— from this Prime Minister.

We had the Prime Minister in the House today trying to pretend that the carbon tax was not going to do any real harm to anyone—that there would not even be a real increase in the price of power. But if the carbon tax was so harmless, why wasn't she honest enough to be up-front with the Australian people before the last election? That is why standing orders must be suspended. What we have seen in the House today from the Prime Minister is all this talk about what the coalition said in 2007. Has she noticed that we did not win the election in 2007? Has the Prime Minister noticed that the coalition went into the election in 2007 saying 'subject to the world taking similar action'? In fact, what we have had from this government—and this is why standing orders should be suspended—is a double deception. We have had a double betrayal. They went to the 2007 election promising an emissions trading scheme, and they did not deliver it. They went to the 2010 election promising that there would be no carbon tax, and they did deliver it. There has been a double deception from this Prime Minister. The phrase, 'There will be no carbon tax under the government I lead,' echoes around this chamber and rings around this country—and doesn't it haunt this Prime Minister! This is a Prime Minister who is too frightened to stay in the chamber and hear the deception that she uttered mentioned again in this chamber.

Every time prices rise in this country, the consumers of this country think 'carbon tax', and every time this Prime Minister makes a statement on any subject at all the voters of this country are reminded of her fundamental betrayal and deception before the last election. We can have all the brazen bluster that this parliament sees so often from the Prime Minister, we can have all the shameless effrontery that this parliament sees from the Prime Minister, but one thing we never hear from this Prime Minister is that little word 'sorry'—the apology that is the least she owes the Australian people after the deception that she practised on them before the last election. She says today, 'If the coalition wins the election, they'll keep the carbon tax.' Then we have the minister for families saying, 'We'll claw it back.' They cannot even get their talking points right. That is how deceptive this government is.

Just imagine—and this is why standing orders should be suspended—that the Prime Minister had been honest. Just imagine that the Prime Minister had gone to the Australian people and said straight up-front, five days before the election, 'Yes, there will be a carbon tax under the government I lead.'
Does anybody imagine that she would still be the Prime Minister of this country? What this Prime Minister did was say one thing before the election to win votes and then do the opposite in a squalid, shameful deal with the Greens to stay in the Lodge. Shame, Prime Minister, shame! The least you could do is have the guts to sit in this parliament and listen to this debate rather than scurry off yet again to seek refuge in the whip’s office as you do time and time again.

This is not just a broken promise; this is a fundamental breach of trust. This is not just a failure to deliver on the part of the government; this is a failure to understand. It is proof that the Prime Minister and the government just do not get it. We had the Prime Minister stand up in this parliament in 2006 and say in very simple language, ‘Labor is the party of truth-telling.’ But it is not any more, if it ever was—and it certainly cannot be the party of truth-telling as long as this person leads it. As long as the current Prime Minister leads the Labor Party, they can never be the party of truth-telling. We had the Treasurer up there auditioning in the Prime Minister’s week off—he was even singing to us about ‘this gun’s for hire’—because he knows that this government is doomed as long as it is led by someone whose very word cannot be trusted by the Australian people.

Let’s just examine what this Prime Minister did when it came to being truthful about the carbon tax. First of all, she forced the former Prime Minister, the member for Griffith, to abandon his campaign for an emissions trading scheme. We know that the current Prime Minister along with the current Treasurer forced the former Prime Minister to betray his own words and to dump the emissions trading scheme. Then, during the election campaign, the Prime Minister said not only would there not be an emissions trading scheme; there would be a people’s convention. Remember that—the people’s convention? Nothing at all would happen until this citizens’ assembly, this people’s convention, had achieved a deep and lasting consensus.

Finally, after I had said on at least 15 separate occasions that as sure as night follows day if this government were re-elected there would be a carbon tax, the Treasurer came out and said, ‘That’s a hysterical allegation,’ and that obviously was not enough to persuade the public. So there was the Prime Minister five days before the election, in all her glory, saying: ‘There will be no carbon tax under the government I lead.’ This was a cold-blooded, deliberate deception of the Australian people.

This is a Prime Minister who has form when it comes to betrayal. She betrayed the former Prime Minister over the prime ministership; she betrayed the member for Denison over poker machine reform; she betrayed the member for Scullin over the speakership; and then there was the ultimate betrayal of the Australian people over a carbon tax. This is the deception that haunts this Prime Minister. This is the deception that will haunt her to a political grave. This is the deception that will dog this government to the next election. Make no mistake—the next election will be not only a referendum on the carbon tax; it will also be a referendum on prime ministers who do not tell the truth.

When I say, ‘There will be no carbon tax under the government I lead,’ I can be believed. On day 1 of an incoming government, the public servants will get their instruction. On day 1 of a new parliament, the legislation to repeal the carbon tax will be introduced. We will keep our commitments. Just because we have a Prime Minister now who does not keep her commitments—who has truth deficit
disorder—she should never assume other people are like that. I am different. When I say something, I mean it. I do not sell my soul to minor parties the way this Prime Minister has. (Time expired)

The DEPUTY SPEAKER: Is the motion seconded?

Mr PYNE (Sturt—Manager of Opposition Business) (15:18): I second the motion. Standing orders should be suspended and the Prime Minister given 10 minutes to come into the House and apologise to the people of Australia. If she does not and if the Labor Party does not support this motion then they will be confirming that we have the most brazen Prime Minister in Australia’s history. This Prime Minister brazenly said before the last election, 'There will be no carbon tax under the government I lead.' Having been elected, she brazenly broke that promise in order to grasp at power to get the Greens to support the Labor Party to be in government. She then brazenly said at the time that she was doing just what John Howard had done with the goods and services tax. She brazenly forgot in fact that John Howard took the GST to an election and got a mandate from the Australian people to introduce the goods and services tax. At the time she broke her promise not to introduce a carbon tax, she brazenly said that it was not a tax. It took Laurie Oakes to tease out of her finally, for her finally to admit, that it was in fact what everyone knew it to be—a carbon tax and another broken promise.

She brazenly said in question time yesterday that the whole point of the carbon tax was to reduce greenhouse gas emissions when in fact she had said on 22 February last year:

I want to be very clear with Australians about what pricing carbon does; it has price impacts. It is meant to. That is the whole point.

So in February last year she was telling the truth about the carbon tax—a nice change. She was at least telling the Australian people that the whole point of the carbon tax was to increase their electricity prices. And aren’t we seeing that happen? Brazenly yesterday in question time she said that it was about reducing greenhouse gas emissions. Every day in question time, she uses sophistry of the English language to avoid answering specific questions and she did so again today when asked whether she supported increasing or decreasing electricity prices and whether that was the purpose of the carbon tax.

In fact, even the assertion that the whole point of the carbon tax is to reduce greenhouse gas emissions is not true, because by 2020 on the government’s own modelling greenhouse gas emissions will increase by eight per cent. She also brazenly says that households will be compensated—that nine out of 10 households will be compensated. What she does not tell people is that three million households in Australia will be worse off. Three million Australian families will struggle even more under cost-of-living pressures than they already are—on the government’s own modelling, on the government’s own figures.

Worst of all, she says brazenly to the Australian people that if the coalition wins the next election Labor will reject our attempt to repeal the carbon tax. She has already locked the Labor Party in to ignoring the will of the Australian people. The next election will be a referendum on the carbon tax and, if the coalition should be fortunate enough to win it, we will immediately introduce legislation to repeal it and the House will sit until it is done. Yet, the Prime Minister has already ruled out the possibility that Labor will listen to the will of the Australian people. This Prime Minister, leading Labor as she is, is leading a group of
Labor MPs who are like docile sheep. Standing orders should be suspended, because the docile sheep of the parliamentary Labor Party are being led by this Prime Minister into the slaughterhouse, abattoir and charnel house that will be the next federal election if they seriously take to the next election this Prime Minister who cannot be trusted and the policy to stop our repeal of the carbon tax.

The Australian people simply will not tolerate it. It is time that the parliamentary Labor Party recognised the extraordinary damage that this Prime Minister is doing to the Labor Party brand and the Labor Party tradition and woke up to the fact that none of you can believe anything she says. The Australian people know it. The Australian people have stopped listening. It is time that the Labor Party did the right thing and put the interests of the Australian people first and not the interests of this unworthy Prime Minister.

On the second anniversary of the Prime Minister's great lie—

The DEPUTY SPEAKER: The member will withdraw.

Mr PYNE: I withdraw. She should be condemned! (Time expired)

Mr COMBET (Charlton—Minister for Industry and Innovation and Minister for Climate Change and Energy Efficiency) (15:23): Let me state a couple of important facts at the outset. The policy of pricing carbon is the right policy for the future of this country; the second fact is that the Leader of the Opposition, who thinks he has got the next election in the bag—it is in the back pocket—cannot and will not repeal it. In fact, that claim is the most fraudulent claim of his mendacious and deceitful claims throughout this campaign.

Mr Pyne interjecting—

The DEPUTY SPEAKER: The Minister will resume his seat. I advise the Manager of Opposition Business that, if he continues to use that word, I will throw him from the chamber.

Mr Pyne: Madam Deputy Speaker, I rise on a point of order. With great respect, it is a completely false assertion that the minister is making and it could not be orderly.

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. The minister has the call.

Mr COMBET: Let us just track over a little bit of the history to put some of this in context, and particularly this most mendacious and deceitful campaign that has been run by the Leader of the Opposition against carbon pricing, a measure which is in our economic and environmental national interest. Five years ago John Howard, the Leader of the Liberal Party, the Prime Minister of this country—this is an important anniversary—

Mrs Bronwyn Bishop interjecting—

The DEPUTY SPEAKER: The member for Mackellar is warned!

Mr COMBET: Five years ago, as a member of cabinet, John Howard committed this country to pricing carbon through an emissions trading scheme supported by the current Leader of the Opposition. In 2009, under Malcolm Turnbull's leadership, the member for Wentworth's leadership of the Liberal Party, the government and the coalition agreed on an emissions trading scheme to introduce a price on carbon in this country. If you are talking about deceit, if you are talking about integrity, if you are talking about betrayal—all issues raised by the Leader of the Opposition—then they rest right over there.

It was in our national interest to pass that legislation at that time. It was agreed to by
both major political parties in this country as being in our national interest, and the Leader of the Opposition betrayed his then leader over that policy issue. In a gutless act of political opportunism—he won by one vote—he defeated Malcolm Turnbull, the Leader of the Liberal Party, over that particular issue. Ever since, what we have seen has been deceit, fraud and mendacity with claim after claim after claim on this issue—deceit in relation to electricity prices and deceit in relation to the impact of bringing a carbon price into the economy—culminating in that most deceitful of claims that the Leader of the Opposition intends to repeal this particular measure which is in our interest.

*Dr Jensen interjecting*

**The DEPUTY SPEAKER:** Order, the member for Tangney!

**Mr COMBET:** This country has an obligation internationally to play a fair part in efforts to tackle climate change and cut greenhouse gas emissions. We will have obligations to do so—to cut in absolute terms our emissions from 2020—and there are supposedly bipartisan pledges to cut emissions through to 2020 by at least five per cent on the levels of 2000.

*Dr Jensen interjecting*

**The DEPUTY SPEAKER:** The member for Tangney is warned!

**Mr COMBET:** The Leader of the Opposition has gone around attacking scientists and economists and making false claims—claim after claim. He said hundreds of thousands of jobs will go. He stood before pensioners and lied to them about the impact of carbon pricing—

**The DEPUTY SPEAKER:** The minister will withdraw.

**Mr COMBET:** I withdraw. He stood in front of pensioners—in one of the most gutless things you could ever do—terrifying them, with no sound basis for doing so. And now that the carbon price has been in for six weeks, what are we finding? Every single claim is wrong. The destruction of the coal industry—wrong, false and deceitful. The loss of hundreds of thousands of jobs—wrong, false and deceitful. The impact on electricity prices—wrong, false and deceitful. The Leader of the Opposition sat there and watched electricity prices go up by an average of 50 per cent over the last three years and another eight or nine per cent due to network costs in each jurisdiction around the country this year—and that is not the end of the world.

They falsely attribute electricity price increases all to carbon. Every single claim that the Leader of the Opposition has made in relation to this issue is false, deceitful and cannot be relied upon. It is the most pure political opportunism that you could possibly imagine. Every living Liberal Party leader, including the member for Warringah, has supported carbon pricing. It is right for this country and that is why the Leader of the Opposition, who thinks he has got the next election in the bag, cannot and will not repeal it—and that is the most fraudulent claim of his of all.

**Mr WINDSOR** (New England) (15:28): There has been a lot of discussion today about history. It has been discussed here today that, two years ago, the Prime Minister made a certain comment in the run-up to the election. As most of us would be aware, the Prime Minister did not win the election; this is a hung parliament.

*Opposition members interjecting*

**Mr WINDSOR:** You might learn something from a little bit of history here. You might be a little bit interested.
The DEPUTY SPEAKER: Order! The member for New England has the right to be heard.

Mr WINDSOR: As the Leader of the Opposition would know very well, as the Prime Minister would know very well and, for that matter, as the Deputy Prime Minister would know, the decision to do something about climate change—whether it be through an emissions trading scheme, a carbon pricing arrangement or a price on carbon—was a condition of the formation of government.

The Leader of the Opposition knows that very well, because on a number of occasions he actually begged for the job. You have never denied it, Tony, and you will not. He begged for the job and he made the point, not only to me but to others in that negotiating period, that he would do anything to get that job. You would well remember—and your colleagues should be aware—that the only codicil that you put on that was: 'I will do anything, Tony, to get this job; the only thing I wouldn't do is sell my arse.'

Mr Pyne: Madam Deputy Speaker, I rise on a point of order. I hesitate to take a point of order on the member for New England, but he does have to at least make some attempt to talk to the suspension of standing orders rather than this personal—

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. Perhaps everybody should read Hansard about personal, vexatious issues. The member for New England has the call and must refer to the issue before the chair, which is the suspension.

Mr WINDSOR: The Leader of the Opposition is well aware of the discussions that were held. It was a condition of the formation of government. He was prepared to do anything, if in fact he had been called upon.

Mr Dutton: Not a carbon tax!

Mr WINDSOR: If he had been asked to put in place an emissions trading scheme—or a carbon tax, for that matter—he would have done it. The fact that he was not asked was a very, very good judgement, in my view.

Opposition members interjecting—

The DEPUTY SPEAKER: Order! The member has the right to be heard.

Mr WINDSOR: In terms of the substantive issue, I support the suspension of standing orders, because I think it is a debate that we should be very proud of. I am very proud to have supported the price on carbon.

Mr Dutton: Sounds like a valedictory!

The DEPUTY SPEAKER: The member for Dickson will leave the chamber under 94(a).

The member for Dickson then left the chamber.

Mr WINDSOR: I am very proud to have supported doing something about climate change. I think history will judge those who have had the guts to stand up and actually try to address what is a very difficult issue in a difficult parliament. But this man, the Leader of the Opposition, was quite prepared to do that if he had been given the nod on that particular day. 'I will do anything, anything, to get this job'—they were the comments, and people know that, and they should know it, because you are an absolute disgrace in the way in which you are wandering around on this issue. You have exactly the same target as the emissions trading scheme pricing arrangements. You have exactly the same target in terms of the 1990 levels by 2020. And you have the audacity to actually say to people that you are going to achieve that target through a much more expensive arrangement than putting a price on
carbon—particularly given the history that you have on this issue.

John Howard was someone that I had disagreements with from time to time, but at least he recognised that we have to do something about emissions in this world. There are opportunities that exist in regional Australia in terms of the pricing arrangements and the clean energy funds et cetera. I ask the Leader of the Opposition and other members within the chamber to just look at the meat industry in the next few months. Just look at the way in which they are going to address some of these issues. Come back in a few months and tell me if I am wrong. I do not mind that. There are enormous opportunities in terms of renewable energy in the meat industry. I suggest we start to vote for the future rather than— (Time expired)

The DEPUTY SPEAKER (Ms AE Burke): The question is that the motion be agreed to.

The House divided. [15:37]

(The Deputy Speaker—Ms AE Burke)

Ayes.....................67
Noes.........................71
Majority....................4

AYES

Abbott, AJ
Andrews, KJ
Baldwin, RC
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crook, AJ
Fletcher, PW
Frydenberg, JA
Griggs, NL
Hartsuyker, L
Hunt, GA
Jensen, DG
Keenan, M
Ley, SP
Marino, NB

Matheson, RG
Mirabella, S
Neville, PC
Prentice, J
Ramsey, RE
Robb, AJ
Roy, WB
Schultz, AJ
Secker, PD
Smith, ADH
Southcott, AJ
Tehan, DT
Tudge, AE
Van Manen, AJ
Washer, MJ
Wyatt, KG

AYES

Adams, DGH
Bandt, AP
Bowen, CE
Brodmann, G
Butler, MC
Champion, ND
Clare, JD
Combet, GI
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Georganas, S
Gillard, JE
Grievson, SJ
Hall, JG (teller)
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
Marles, RD
Melham, D
Murphy, JP
Oakeshott, RJM
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Rudd, KM
Shorten, WR
Smith, SF
Swan, WM
Thomson, CR

NOES

Albanese, AN
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Crean, SF
D’Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Gray, G
Griffin, AP
Hayes, CP (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
McClelland, RB
Mitchell, RG
Neumann, SK
O’Neill, DM
Parke, M
Pilbersek, TJ
Rishworth, AL
Roxon, NL
Saffin, JA
Sidebottom, PS
Smyth, L
Symon, MS
Thomson, KJ

CHAMBER
Ms GILLARD (Lalor—Prime Minister) (15:37): I ask that further questions be placed on the Notice Paper.

STATEMENTS ON INDULGENCE

Franklin, Mr Matthew

Ms GILLARD (Lalor—Prime Minister) (15:42): I want to remark that today is the last parliamentary sitting day that we will see Matthew Franklin appearing in the parliamentary press gallery above us. As many members of parliament would be aware, he has announced that he is taking a redundancy from the *Australian* and he will file his last story tomorrow. He has worked for News Limited for 25 years in a variety of capacities. He has been in the press gallery for quite a long period of time. I first got to know Matthew Franklin when he was working for the *Courier-Mail*. He took a particular interest in health issues, coming from that Queensland experience, and I at the time was shadow minister for health.

Of course, we do not always agree with our friends in the press gallery, but I think we respect that it is a hard job—an increasingly hard job as the media industry changes. It is not an easy time in newspapers, but it is always an important time for people to be out there looking for the stories, looking for the facts, looking for the issues that will be in public debate. Matthew Franklin has certainly done more than his fair share of that.

He joked with me at one point that he was particularly following our Teach for Australia and Teach Next initiatives because he imagined that perhaps at a later stage of his life he would use something like Teach Next or Teach for Australia to move from journalism into teaching. I do not know whether or not that is his plan. I suspect at this stage he does not even know either. But if he was going to move from journalism into an Australian school to teach English or history I think that would be a very welcome addition to our education system. So to Matthew I say a fond farewell.

Mr ABBOTT (Warringah—Leader of the Opposition) (15:44): I suppose one good thing to come out of Matthew Franklin's I hope temporary retirement from the *Australian* is that we finally have the government saying something nice about a News Limited publication, which is excellent.

Matthew Franklin will be much missed from the press gallery, which he has adorned for some 11 years. Prior to coming down to the press gallery in Canberra he was in the press gallery in Brisbane for some nine years. He has brought a grace, a decency, a balance and a fairness to his reporting of politics, which, I have to say, ought to be an exemplar.

The great thing about a good journalist is that a good journalist is the master of analysing an issue quickly and then distilling it succinctly into something that the average person can well understand and appreciate. A good journalist is like a good barrister, only much more affordable, so I am confident that Matthew will not be idle for long, that he will be snapped up by the many people who would love to use the services of someone of such insight, such gifts of expression and such decency.
PERSONAL EXPLANATIONS

Mr ABBOTT (Warringah—Leader of the Opposition) (15:45): I wish to make a personal explanation.

The DEPUTY SPEAKER: Does the honourable member claim to have been misrepresented?

Mr ABBOTT: I do.

The DEPUTY SPEAKER: Please proceed.

Mr ABBOTT: In the debate just concluded the member for New England said that during the negotiations after the election I was prepared to do anything to get to the Lodge. Self-evidently, that is not true. I was not prepared to introduce a carbon tax in breach of my pre-election commitments. There are lots of things that I would never do to get the top job, and one thing I would never do is break a clear pre-election promise.

STATEMENTS BY MEMBERS

Standing Orders

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (15:46): On indulgence, may I first say that I meant you no disrespect—

The DEPUTY SPEAKER (Ms AE Burke): And I assure the member for Hinkler that I did not take it as showing disrespect.

Mr NEVILLE: If you closely read the standing order on seeking leave, it says that, if no-one in the House objects then that course of action should occur. It has been the process of the House, through the Leader of the House, to either accept or deny the tabling of a document. In this instance, the Leader of the House, with his normal generosity of spirit, said that if I wheeled it around to his office he would have a look at it. But at no time did either side of the House object to my document. I believe that in those terms I have the right to have it tabled.

The DEPUTY SPEAKER: Member for Hinkler, the reason I was not going to proceed at the time was correct. The Leader of the House does not need to see the document to determine whether or not he would accept it: that is not correct practice. The member for Hinkler is right in that. But I did hear the Leader of the House say no. If you did not, I apologise, but there was a large amount of noise at the time. From now on I will be insisting that members do come to the dispatch box and indicate whether they will or will not accept the document, but there is no requirement for the document to be sighted before that decision has been made.

DOCUMENTS

Presentation

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:48): Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings.

I move:

That the House take note of the following documents:


Debate adjourned
BILLs

Fisheries Legislation Amendment Bill (No. 1) 2012

Report from Federation Chamber

Bill returned from Federation Chamber without amendment; certified copy of bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:49): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012

Report from Federation Chamber

Bill returned from Federation Chamber without amendment; certified copy of bill presented.

Ordered that this bill be considered immediately.

Bill agreed to.

Third Reading

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:49): by leave—I move:

That this bill be now read a third time.

Question agreed to.

Bill read a third time.

MATTERs OF PUBLIC IMPORTANCE

Carbon Pricing

The DEPUTY SPEAKER (Ms AE Burke) (15:50): I have received a letter from the honourable Leader of the Nationals proposing that a definite matter of public importance be submitted to the House for discussion, namely:

The serious price increases now being imposed on Australian consumers and businesses on a daily basis as a result of the Government’s failure to honour its commitment not to introduce a carbon tax.

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 TRUSS (Wide Bay—Leader of The Nationals) (15:51): Two years ago, the Prime Minister looked down the barrel of a Channel 10 camera and into the eyes of the Australian people and she made an unambiguous and clear promise:

There will be no carbon tax under the government I lead.

There was nothing ambiguous about it. There were no nuances. It was a clear, definite promise to the Australian people: ‘There will be no carbon tax under the government I lead.’

Labor was in electoral trouble at the time. There was a lot of commentary about Labor’s proposed carbon tax, and she knew she had to put it to bed if Labor were to have any chance of getting over the line in this election. So she made a clear, unambiguous promise, a key moment in the election campaign: ‘There will be no carbon tax under the government I lead.’

And of course, she was not alone in making that commitment. The Treasurer told ABC TV: ‘We have made our position very clear: we have ruled it out.’ The Treasurer also faithfully promised the Australian people there would be no carbon tax under a government with which he was involved.
Indeed, he even ridiculed anybody who would suggest that Labor was likely to do such a thing—and they were the leaders of the Labor Party; they were the people who had the obligation to make a pledge and a commitment to the Australian people about what their policy platforms were. It was abundantly clear.

And Labor MPs around the country in 2010 campaigned on that false assertion. I did not hear any one of the members opposite voice dissent—not one. In each of their campaigns, when they were asked, they made it absolutely clear that they would not be supporting a carbon tax. And, I might add, so did all the members on this side of the House. All the members of the government, all the members of the opposition, made commitments that there would be no carbon tax. But, for this Prime Minister, her word was not her bond; it was a betrayal that certainly burnt deep into the mind of every Australian—monumental deceit. Every Labor candidate went to the election promising there would be no carbon tax. But then, only days after the election, came the betrayal. In the hallowed prime ministerial courtyard, flanked by the Greens and Independents and other Labor luminaries, Labor broke its promise to the Australian people and announced we were to get a carbon tax—and not just any carbon tax: the world's biggest carbon tax! And we were going to get it ahead of the rest of the world.

The government's own modelling says three million Australian families are worse off. And in spite of the compensation that the government may be paying to some, no-one can be compensated for a lost job. No-one can receive adequate compensation for the impact on their lives when a factory closes, when a mine becomes uneconomic or when, because our nation is just so less competitive, we lose whole pieces of our economy. Senator Hanson-Young did not care if whole regional towns closed down. As far as she was concerned, and the government backed her, this carbon tax was something that our country was going to have—even though the government had said it would not happen.

The news kept coming about what the impact of this carbon tax would be on the local community, and the Labor Party did not care. A hundred councils in May 2009 were told that their emissions would make them liable for Labor's carbon tax. The Hobart City Council will budget an extra $770,000 for the impact of the carbon tax on its budget. The Salvation Army says that the
carbon tax will add up to $1.25 million to its annual land-fill bill. There is a $36 carbon tax surcharge on the *Spirit of Tasmania* journey from Melbourne to Devonport. The Queensland Competition Authority approved a price increase of $52 per household for electricity but said the price would have gone down by $70 had there been no carbon tax.

The Department of Climate Change figures show that electricity generators will face a carbon tax bill of $3.9 billion in the first year alone. Anglo American Australia, our second-biggest coal exporter, says the carbon tax reduces the net present value of its assets by 30 per cent. Queensland Rail reports it will add $5 million to its costs, leading to higher rail fares. The biggest abattoir in Australia, at Dinmore, will be slugged $3.3 million. The 14 largest abattoirs will have to pay $60 million to meet the carbon tax requirements. Local government said it will be $200 million more for the cost of garbage. New South Wales Treasury says that public transport fares will rise by $150 a year and that electricity bills will go up by $57 a year for students and $100 million a year for hospitals. Queensland's government-owned power corporations lost more than $1 billion in write-downs on the value of their assets because of the impact of the carbon tax. And Treasury's modelling of the carbon tax is based on real-wage reductions of 0.8 per cent by 2020. The Australian Trucking Association says the carbon tax will add $500 million to trucking costs from 2014.

All of these sorts of things seemingly meant nothing to the government; they went ahead anyhow—$5,000 extra to the cost of an average house of $300,000. The tripling of the fuel excise means that airfares will rise, and some domestic air services will close. None of this means anything to the Labor Party. In fact, in many instances they denied it would even happen—there was not going to be any impact at all. And, if there was a little, they would be providing compensation to help people. Now the bills are starting to come in; people are getting their first bills under the carbon tax.

Yesterday we heard about the Belair Hotel in South Australia, in Adelaide, which has faced a 45 per cent jump in the off-peak component of its monthly power bills. Today we heard about the Lakes Resort Hotel. And here is an electricity bill from the Phoenix Hotel, in my own electorate. In the very first month, their emissions and renewable energy charges have gone up by $271.97. These are the kinds of cost increases that every household in this country is facing right now.

And that is not the end. Remember, this is just the $23 a tonne on introduction of the carbon tax. It goes up every year. Every year it will be higher. If your bills are not high enough this year, wait until next year; they will be higher again. And what will it be like when we get out to 2050, and the carbon tax is not $23 a tonne but $350 a tonne? What is that going to do to your household electricity bill? There are no more compensation payments; they are already done.

But you should not be surprised by this massive impact on your living standards. The people of Australia should not be surprised that this tax is going to bite so much into their standard of living, because the very intent of this tax—as the Prime Minister has admitted several times over the last couple of days—is to put the cost of living up, to put the cost of electricity up, so that we will use less and therefore emit less CO₂. The very purpose of this tax is to hurt people. The very purpose of this tax is to force people not to do the things they have been doing in the past that might emit CO₂ into the atmosphere.

So the Prime Minister is actually proud that her tax is achieving its intended purposes: putting up the cost of living,
making life more miserable for many Australians. That was the very purpose of this tax right from the beginning: to make our cost of living higher so that we keep our car in the shed rather than drive it to visit our sick neighbour. Or perhaps we do not go to the football game but watch it on television—although you probably could not put the lights on, or even the TV set, because it would be emitting CO$_2$ gases. The purpose of this tax is to change your behaviour so that there will be less emissions.

The Prime Minister deceived the Australian people two years ago. The conventional wisdom, of course, is that she did that to appease the Greens and to cling on to power—that she far preferred to have the favour of the Greens than to be honest with the Australian people. A succession of slippery deals have mired Labor in political intrigue and a quagmire through which every Australian has been dragged. Australia's proud ethos of being fair dinkum with each other has certainly been sullied and stained by this government. Until the people have the chance to have their say and break free of this Labor scourge, there will indeed be a stench about the processes of government in this place. What price integrity? What price honour? What price a Prime Minister's solemn commitment to the people she presumes to lead? Take a look around, Prime Minister: no-one is following, no-one is interested, no-one believes anything you say. Labor MPs hoping for a change for the better under a new leader are a bit like Ingham chickens hoping they will get a better life if there are new managers. The reality is that heads will roll no matter what.

What if, in fact, the Prime Minister had stared down the Greens and told the Independents, 'I've listened to what you've got to say, but I made a promise to the Australian people, and I will not break it'? Surely that is the kind of promise you would expect an honourable Prime Minister to make, especially on such a critical issue. You would expect the Prime Minister to faithfully remember her words of only a few days earlier and to keep her promise to the Australian people. But she did not do it. She preferred to break her word and, as a result, the Australian people continue to suffer the consequences of her decision.

And of course that was not the only commitment she blatantly broke in relation to this issue. She promised, for instance, that there would be community consensus before any action. Remember that one? There was going to be community consensus. I have not noticed any community consensus in favour of a carbon tax in my electorate. Then there was that other great initiative: a 150-member citizens' assembly that was going to decide climate change policy. That was a decisive government in action: find 150 people out of the phone book and ring them up and say, 'Come down and decide our climate change policy.' Frankly, that would have been a better outcome than what we have ended up with; 150 people in the phone book would not have voted and would not have commended a Prime Minister for simply breaking her promise. The reality is that this government has been dishonest with the Australian people. It cannot be trusted. Whatever else it may do, this government will be remembered for that dishonesty.

And of course the ultimate irony—the ultimate insult—is that this carbon tax will deliver significant economic pain, but for no environmental gain. Even Labor admits that it is not going to make any difference to the climate. Emissions are going to continue to go up. Other countries are not responding to this courageous act of self-harm by the Australian government. They are not responding in that way. This is a lose-lose situation for Australians. Our industry has become less competitive, our cost of living is
going up and the environment is not one bit better off. (Time expired)

Mr DREYFUS (Isaacs—Cabinet Secretary, Parliamentary Secretary for Climate Change and Energy Efficiency and Parliamentary Secretary for Industry and Innovation) (16:06): I welcome the opportunity to rise today to speak on one more desperate attempt by those opposite to maintain their debunked campaign of fear, their debunked campaign of negativity, their debunked campaign that is crumbling with their crumbling credibility. In fact, it is not crumbling; it has crumbled. And if it had not crumbled before this afternoon, it has crumbled now that we have heard from the member for New England. I hope those opposite listened to what he said the Leader of the Opposition did when he was negotiating for you to form government after the last election. You need to bear in mind that we had, after the last election, a hung parliament in this place. We needed to form a government, as the constitution requires, and all members of this parliament participated in what is called a negotiation. And in that negotiation—as the member for New England has explained; I hope you were all listening—your leader, the man who took the leadership of your party by one vote, was prepared to do anything. He was prepared to do anything, including putting a price on carbon—including introducing a carbon tax. Anything means anything, and it is quite clear to us here—and it should be clear to you—what the Leader of the Opposition was prepared to do.

We have rarely seen in Australia's political history a political opportunist of the character of the present Leader of the Opposition, who ought to be apologising to the Australian people for the deceit. Nearly two years of deceit we have had from him now, where he has raised false claims and made appalling misrepresentations, not just about what happened in that negotiation that he was conducting with the member for New England, but about every single aspect of the price on carbon.

This Leader of the Opposition might well have been prepared to agree to put a price on carbon, because he, along with every other living Liberal leader, has supported a price on carbon—has supported an emissions trading scheme. Those opposite who came to the election in 2007 will recall—I know they want to blot it out of their minds—that they supported an emissions trading scheme at the 2007 election. They supported an emissions trading scheme that would by now be in place had John Howard won that election, which of course he did not.

That support for an emissions trading scheme continued from those opposite right up to the time when the present Leader of the Opposition, with his campaign of untruths and misrepresentations, become leader at the end of November 2009. And since then this country has had to endure rubbish, day after day. We have had to endure nonsensical statements made about climate science and nonsensical statements made about the effect of an emissions trading scheme that is recognised by economists around the world—by the OECD, the IMF and the 32 countries in western Europe—as the least-cost, most effective means to reduce carbon pollution.

Those opposite who have any economic literacy—there are not very many of them—know that the right way to go is to put a price on carbon and to have a range of complementary programs. That was the position that the Liberal Party of Australia had in 2007. It remained the position of the Liberal Party of Australia right through to the end of November. It will again be the position of the Liberal Party of Australia,
because countries around the world—most notably countries to whom we are very culturally close, like New Zealand or the United Kingdom; part of the Anglosphere that the Leader of the Opposition likes to speak of—have reached a bipartisan agreement on emissions trading. The result of them reaching that bipartisan agreement on emissions trading is that, rightly, it has become a third or fourth order issue, because it is just part of the economic machinery of their countries that has put their countries on the trajectory of lowering carbon pollution, which is where we need to go.

This Leader of the Opposition has wasted years of Australian political debate on putting forward false claims about the effect of pricing carbon—the effect of this mechanism and the scheme that we announced we were going to introduce on 10 July last year—which we have now legislated for and which came into force, I am very pleased to say, on 1 July. What have we seen since 1 July? We have not seen the wrecking ball going through the Australian economy, as was threatened by the Leader of the Opposition, who probably wishes that there was a wrecking ball. Indeed, we have seen their desperation—we have seen it just now from the Leader of the Nationals—to see price rises. Those opposite are desperate to see economic damage so as to make good the false claims that they have been making now for nearly two years. And they are not going to see them.

That is why we published the most detailed economic modelling that the Treasury of our country has ever undertaken. We published that, in conjunction with the details of the scheme, in July last year. That economic modelling showed with extraordinary clarity the predicted price rises for electricity, the predicted price rises for gas and the predicted price rises for food and other items in the economy. Now that we have had the carbon price in place, as of 1 July, those predictions have come to pass. We have seen electricity price increases, as predicted, in the order of 10 per cent—except in Tasmania, where they are considerably lower. We have seen gas price rises of about eight per cent, as predicted, and, most importantly, we have seen a rise in the cost of living of less than one cent in the dollar. The prediction by Treasury was 0.7 per cent, and so far, six weeks in, much to the regret of those opposite, there is nothing that suggests that the modelled outcomes of the carbon price are anything other than accurate.

We have the Leader of the Opposition wanting to say that the carbon price would be like a cobra strike. When that tag failed to stick—when he realised that that was going to be nonsense because there was not going to be anything happening—he wanted to say that it was something you cannot really see. He wanted to call it a 'python squeeze'. That is yet another untrue claim. That is the problem that the opposition has: month by month it is going to be seen that these endless claims that they have made, since the Leader of the Opposition became leader at the end of November 2009, are false. They are false; they will not be borne out by what is going to happen in the Australian economy. They are not being borne out now.

That is why I will request—I will repeat this request although I have little hope that the Leader of the Opposition is going to meet this request—that the Leader of the Opposition and his colleagues, including the member for Flinders, make the Australian people an apology, quite a big apology, for the misleading claims and for scaring people, particularly needy and vulnerable people in the community.
They have been going around and saying, for example, that the carbon price would hurt older people.
The fact is, pensioners and self-funded retirees will get an increase in support each year under the government's household assistance package, and that is assistance that this Leader of the Opposition and those opposite would rip away by cutting family payments and pensions if they got elected. We have had the Leader of the Opposition saying that there would be no compensation for small business. In fact, small businesses will benefit from a $6½ thousand instant asset tax write-off, which they will be able to make multiple times, as well as from a $40 million energy efficiency program. Again, that is a benefit for small business that this Leader of the Opposition opposes. He opposes this ability for small business to claim $6½ thousand instant asset tax write-offs.

Here is another good one. The Leader of the Opposition said:
We won't be able to get on a bus or a train, ultimately to drive our cars, without being impacted by this tax.
I can hardly read it out with a straight face because it is so laughable. I will repeat the facts for what feels like the umpteenth time: there is no carbon price on fuel used by household cars or light commercial vehicles. I do not know what cannot be understood about that. I will repeat it for the benefit of those opposite: there is no carbon price on fuel used by household cars or light commercial vehicles, and buses using less polluting fuels, LPG, LNG and biofuels, will not face a carbon price.

We have had similar claims in the transport area about farms. The Leader of the Opposition has said: 'Every farm uses fuel for its trucks and all of that is going to be hit by'—the—'carbon tax.' I will just state some facts for the member for Flinders. Farmers will not pay a cent.

**Mr Truss:** What rubbish!
**Mr Coulton:** Rubbish!
**Mr DREYFUS:** Agriculture is exempt—
**Mr Coulton interjecting**—
**Mr DREYFUS:** Listen to the chorus of nonsense and the further misrepresentations that those opposite wish to make. Not one cent—
**Mr Coulton:** That is not true!

**The DEPUTY SPEAKER (Ms Owens):** Order, Member for Parkes!
**Mr DREYFUS:** There is not one cent of carbon price for off-road agricultural vehicles, for farmers' cars, for farmers' utes or for light trucks.
**Mr Coulton interjecting**—

**The DEPUTY SPEAKER:** Order! Member for Parkes, I will remove you from the chamber if you do not desist, and are you sitting in your proper seat?

**Mr DREYFUS:** The member for Parkes wants to repeat the misrepresentations that he has been running around his electorate—misrepresentations, false claims, that he has been tricking and deceiving the people in his electorate with month after month after month. He should join in the apology that the Leader of the Opposition needs to make to the Australian people, a very serious apology. It is an apology that is needed because deceiving farmers, deceiving older people and deceiving needy and vulnerable people in our community warrants an apology—the claims have been shown to be false.

These claims have gone on and on. We had 12 months ago, and he has repeated this several times, the Leader of the Opposition saying that the carbon price would send grocery prices up five per cent. That is linked
to this other claim that we get that it is going to go up and up and up. Get this: last month a report by TD Securities, Melbourne Institute, found that food prices were unaffected—not much to not understand about that—by the carbon price.

We have members opposite bleating about electricity prices now. The Leader of the Opposition and those opposite wanted to say that the carbon price would lead to massive increases in power prices. We have heard that language, and that is because the opposition, particularly the member for Parkes, who has been misleading the farmers in his electorate about this—

Mr Coulton interjecting—

Mr DREYFUS: I will come; I am very happy to go to Parkes. I have been everywhere in the country explaining the misrepresentations made by those opposite. The opposition hope to blame all electricity price rises on the carbon price, knowing that that is not true. It is true that the average electricity bill went up by approximately 50 per cent in the last four years. There has been a massive increase in electricity costs in our country, but it has been caused by other things. It has not been caused by the carbon price and it could not have been caused by the carbon price because the carbon price only came in on 1 July. As the Prime Minister has said, the most important driver of rising electricity prices is investment in network infrastructure, not the carbon price.

I will repeat a few more facts. Without taking into account the modest impact of carbon pricing, electricity prices in New South Wales have increased by almost 70 per cent since 2008, while they have increased by over 60 per cent in South Australia and Western Australia. In New South Wales the O'Farrell government is taking 60 per cent larger dividends than did the previous state government. I am not for a moment suggesting that there were not dividends taken by the previous Labor state government in New South Wales, but the present O'Farrell government, the Liberal government in New South Wales, is taking 60 per cent larger dividends. This government is also taking $587 million in tax equivalent payments from the same businesses, bringing the total money grab of Premier O'Farrell to around $570 for every household in New South Wales.

The Leader of the Opposition does put great faith in the unique brand of economics practised by the shadow Treasurer, 'Hockeynomics'—perhaps even more aptly described as 'sloppynomics'—but even he would understand that $570 is larger than zero dollars and represents a massive gouge on the people of New South Wales. (Time expired)

Mr HUNT (Flinders) (16:21): The real question is not whether the Prime Minister breached her word, breached her pledge, breached that which she took to the Australian people not just five days before but the day before the last election, but why she felt she had to make the pledge of no carbon tax under a government she leads in the first place. Today is the second anniversary of the Prime Minister's infamous pledge that there would be no carbon tax under a government she leads. But why did she feel she had to make that pledge? It is very simple: the reason is that she knew if she were honest with the Australian people they would not have given the Labor Party the votes they needed to form a government. As it was, it was a borderline decision. If this election past had been framed in terms of the carbon tax, as was the debate, as was the context of coalition statements, advertisements and literature making it absolutely clear that a carbon tax was coming, they would have lost. So the Prime
Minister deliberately, explicitly, intentionally stated that there would be no carbon tax. It was a direct clear statement made not just once five days before the election but also the day before the election with the statement 'I rule out a carbon tax'. These were two clear statements but there were two more from the Treasurer, the Deputy Prime Minister of Australia, who famously said that the idea of a carbon tax was 'hysterical' under Labor. Unfortunately, the Australian people are not laughing. But then there were 13 more statements that there would be no carbon price of any form, at any time until such a moment that there was a community consensus—as demonstrated famously through the citizens' assembly. That was what they took to the election.

Today we heard a defence that Labor did not really win the election; they had to negotiate. We heard the member for New England make it clear there was negotiation—except for the fact that the Greens had run up the white flag at 8 pm on election night when the incoming member for Melbourne said that he was going to vote for the ALP. There was no debate. There was no negotiation. There was no question. They had the vote in the bag from 8 pm on election night. So the idea that somehow there had to be, in order to win the Greens support, a surrender of a fundamental pledge of the central issue of the last fortnight of the campaign is simply historic rewriting on a grand scale. It is back to year zero because that is all we see from this government time and time again: a denial of history, a denial of the past because they are, frankly, ashamed of the past. What we see now is, again, two years later, they do not believe that they made the promise. They do not acknowledge that they had the vote in the bag. What occurred after the election was simply the fulfillment of what was always the Prime Minister's intention: to take one thing to the election and to do another thing afterwards. The negotiation with the Greens, which had already been concluded at 8 pm on election night, was merely a front. The Prime Minister expressly, deliberately, consciously pledged one thing before the election and did another thing afterwards. The Australian people will never forget and they certainly will not forgive come election time in some short period from now.

Beyond the deception is the consequence. The consequence can be described in two words: higher prices. If you really want to make it specific: higher prices for electricity. Let us go through the reality of what this carbon tax means. Let us start with the government's notion that there will be a 10 per cent price rise. Well, guess what? There has been a rise. Their 10 per cent price rise, on which they were congratulating themselves, was meant to occur over five years. It happened in one day. They seem to forget that next year the carbon tax goes up and the year after it goes from $24 to $25. Then, on their own modelling, it heads north to $37 by 2020 and thence to $350 by 2050. So the carbon tax is an electricity price escalator each year, every year, forever. That is its design. That is its intention. Indeed, to paraphrase the Prime Minister, that is the whole point of the carbon tax—to increase electricity prices.

What exactly are those price rises? We see in Queensland, where the Premier froze many of the state electricity price impacts, it is between 80 and 100 per cent of electricity price rises. In Queensland, we have price rises up to 13 per cent of which the carbon tax is 11 per cent. In Victoria, 11 per cent out of 15 per cent price rises are attributed to the carbon tax. In Western Australia, it is nine out of 12 per cent. In the Northern Territory, it is a similar figure. In the ACT, in some cases, up to 80 per cent of the price rise in electricity for this coming year is precisely
because of the carbon tax. Then we see that in New South Wales the regulator approved of the fact that Integral Energy's price would include an 85 per cent lift because of the carbon tax. In Western Sydney the average component of carbon tax in electricity price rises is 80 per cent.

So when you look at your electricity bill and see the price rises this year, no matter where you are in Australia, blame the Prime Minister. The government says we have had price rises in the past. Absolutely—that is the point and that is the problem. These electricity price rises have not brought about some dramatic change in Australian consumption. What we have seen are massive price rises and then you add an escalator for each year on top of that based on a broken promise. And it congratulates itself? Honestly, somewhere between hubris and chutzpah, this government is going to have to take a look at itself in the mirror.

It is not just electricity. It is also refrigeration. The Prime Minister tried to say that there was already a refrigerant charge and there was. Let me give you some examples. It has increased slightly. HFC-134a has gone from 17c a kilogram to $30.07 a kilogram—a 175-fold increase. That means it is over $30,000 a tonne now under their budgeting. But it is a whole lot worse. PFC-5114 has gone from 17c a kilogram to $170 a kilogram or $170,000 per tonne, a more than 1,000-fold increase in the government levy. By the way, these are not our figures. These are from the government's own synthetic greenhouse gas website calculator. Probably the best-known of the gases, R404a, has gone from 17c a kilogram to $75 a kilogram with government levies, which is a 441-fold increase.

That, by the way, is a $75,000 charge per tonne of gas. These price rises flow through to butchers, they flow through to cold-store owners and they flow through to trucking operators who carry goods through refrigerated trucking. Anybody involved in refrigeration in Australia is going to have to pay the price of the Prime Minister's betrayal.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (16:30): Order! It being 4.30 pm, I propose the question:

That the House do now adjourn.

Petition: Public Holidays

Mr SYMON (Deakin) (16:30): Today I would like to present a petition, by 50 petitioners, that I have received and taken to the Standing Committee on Petitions. It has been found to be in order. The petitioners are requesting that the National Employment Standards in the Fair Work Act be amended to provide an additional public holiday rather than a substitute day whenever Christmas Day, Boxing Day or New Year's Day falls on a Saturday or a Sunday.

I spoke about this issue in this place in June last year. It is a particular issue for Victoria and I understand it is also an issue in South Australia and Tasmania, where additional days are not necessarily granted for Christmas Day, Boxing Day or New Year's Day when they fall on a Saturday or a Sunday. There are differences between the states.

There is a bigger issue these days than there used to be because shops are open a lot longer, and many days that were never considered to be trading days in years gone by are now considered to be open slather. I think that everyone deserves to at least have the major public holidays of the year off and, if they do have to work them, that they not only be compensated for the public holiday they work but actually get the time—the time
to spend with their family and friends, their loved ones. Many people who work in essential services have had to work these days for years, but quite often their awards or their workplace agreements have contained provisions which have allowed them to have that time.

In Victoria we now have a problem with Easter Sunday as well. Easter Sunday is not a public holiday in Victoria but Easter Sunday shop trading has now been legislated for in Victoria by the Baillieu Liberal government, meaning that it can be impossible for someone who works in retail to have a long weekend at Easter. Even though the days surrounding that day are considered to be public holidays, Easter Sunday is not. Whilst that was never a problem when shops legislated against trading on the day, it is now a very big problem for those workers in that industry as legislation allows shops to trade on that day.

There is a great deal of history with regard to public holidays in Victoria. It is a subject I have looked at over a number of years. Some of the issues that remain, despite the National Employment Standards, do so for the very reason that, although the state government ceded its industrial relations power to the Commonwealth government back in the years of the state Kennett Liberal government, it kept some parts of those powers, including for public holidays. So, although most of the remainder of the workplace relations system was sent over to the Commonwealth, parts were kept and those parts now directly impact on people who live not only in my electorate of Deakin but right across the state of Victoria.

This petition, which has been presented to the petitions committee, means that the issue is still live. It is still most important to so many working people. It is an issue of receiving compensation not only for the day but also for the time. I would hope that many people in this place would recognise that time is the hardest thing to get—time to spend with your family or the people that you want to be with whilst having a short break from work.

This petition has been presented by other members right across Australia for different reasons in different states. It is interesting to note that states such as New South Wales and Queensland have both legislated, with cross-party support, for additional public holidays when those days fall on the weekend. In New South Wales in 2010, support from both sides saw that Easter Sunday was declared a public holiday. To me that just means that the other states need to catch up. Whether it is done by state legislation or by a change to the National Employment Standards to ensure that everyone gets that opportunity, it is a great benefit to working people that that comes about. On that note, I present the petition to the House.

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 that:

- Weekend and shift workers are disadvantaged whenever Christmas Day, Boxing Day or New Year's Day falls on a weekend and the public holiday substitutes (is moved) to the following Monday or Tuesday.
- When substitution occurs workers rostered to work on the actual special day falling on the weekend don't receive a public holiday whilst workers rostered to work on the substitute day do.
- This is unfair to weekend and shift workers.
- Some States have legislated for Christmas Day, Boxing Day and New Year's Day to be public holidays when they fall on a weekend plus provide an additional public holiday on the following Monday or Tuesday.
• Weekend and shift workers are also disadvantaged because Good Friday, Easter Saturday (in most states) and Easter Monday are public holidays but Easter Sunday (except in NSW) is not. (The NSW Parliament unanimously legislated for Easter Sunday to be a public holiday.)
• This is unfair to weekend and shift workers.
• Parliament should legislate a uniform standard across Australia.

We therefore ask the House to:
Amend the National Employment Standards in the Fair Work Act to include:
1. An additional public holiday (not a substitute day) on the following Monday and/or Tuesday whenever Christmas Day, Boxing Day or New Year’s Day fall on a weekend.
2. Easter Sunday as a public holiday.

from 50 citizens
Petition received.

Northern Territory Election
Mrs GRIGGS (Solomon) (16:35): It is now only nine days till Territorians go to the polls. I am a proud member of the Country Liberals, a party with strong Northern Territory roots, a history-making party that held government for 27 consecutive years—an achievement unequalled by any government in this nation. The Country Liberals proudly invited my leader—the federal opposition leader, Tony Abbott—to Darwin recently. Unlike Territory Labor, we are not frightened of having our federal leader visit the Territory. This is in stark contrast to the ‘united Henderson team’, formerly known as Territory Labor, who have not invited their federal leader, Prime Minister Julia Gillard, to the Territory. They have told her to stay away. Her brand is toxic, just like her carbon tax.

The united Henderson team, or Hendo’s team, formerly known as Territory Labor, are so embarrassed by Labor’s branding they have removed it all together. They have changed the colours. They have removed the words ‘Labor’ and ‘ALP’ from all of their campaign material. It is like Territory Labor disappeared overnight and became the united Henderson team. Labor’s Chief Minister, Paul Henderson, has abandoned his Labor heritage and he will abandon the people of the Northern Territory. He cannot be trusted.

The Territory has had 11 years of hard Labor, during which time tourism numbers have sunk to their lowest ever. Housing is unaffordable, our cost of living has skyrocketed and families cannot afford to buy a home. Crime is up. People do not feel safe. Law and order is at its worst. People are leaving the Territory in droves. Territorians have suffered too much and cannot cope under Territory Labor any longer. Now is the time for change.

The Territory needs a new direction and a fresh start. The Country Liberals are the right party for government in the Northern Territory. Unlike Territory Labor, a Country Liberals government will stand up for Territorians. Led by my good friend and leader of the Northern Territory opposition Terry Mills MLA, the Country Liberals have a five-point plan to secure a better future for the Territory. The plan involves cutting Labor’s waste and reducing debt, strengthening law and order, growing a three-hub economy, better planning for the future for the Northern Territory and—most importantly—being accountable to Territorians. A Country Liberals government is committed to improving access to health services with a new cardiac unit at Royal Darwin Hospital, a fully equipped hospital for Palmerston and better access to elective surgery in Territory hospitals.

We all know that Labor is soft on crime, so the Country Liberals will tackle crime at its roots. It will do this by delivering 120 new police on the beat in its first term, taking
drunks off our streets and sending them to rehab, sending young offenders to boot camps and—this is close to my heart—introducing one-punch homicide legislation.

It is important that Territorians know that the Country Liberals are opposed to Labor’s toxic carbon tax, which has a significant impact on Territorians and which Paul Henderson and Territory Labor support. A vote for the united Henderson Labor team, aka Territory Labor, is a vote for the carbon tax and a vote of confidence in Prime Minister Julia Gillard—the same Prime Minister who two years ago today said, ‘There will be no carbon tax under the government I lead.’

Paul Henderson, leader of the united Henderson Labor team and Territory Labor, not only supports the carbon tax but also hides from the truth. We have seen in the last couple of days that Paul Henderson would rather send journalists than criminals to boot camp and would rather threaten journalists than threaten criminals. It is clear that Territory Labor, the united Henderson Labor team, has nothing in the tank but deception and censoring of the media. This is one of the fundamental differences between Labor and the Country Liberals. A vote for the united Henderson team is a vote for a Labor wolf disguised in sheep's clothing. Territory Labor supports the toxic carbon tax; I urge Territory Labor government to go.

Youth Suicide

Mr BYRNE (Holt) (16:40): I rise today to thank everyone who attended a summit on youth suicide which I hosted on Saturday 11 August, 2012 and which was held at the City of Casey council chambers. It was attended by well over 200 people. This summit, which I am pleased to say has been extensively covered by local newspapers led by the Star News Group, was about our youth. It was about giving them a voice to allow them in a community setting to talk about the challenges they have been facing in our community. It was also about those who had lost loved ones and friends and how we can as a community work together to address the issue of youth suicide and to create awareness of the preventative measures, community awareness and resources that are available to save the lives of young people in our community. The summit came about because some of our young people were approaching me and wanting to tell their stories; it was progressed as a consequence of further discussions with many of the excellent service providers we have in the region in education, mental health and community services.

Our first discussion about youth suicide occurred during a meeting in my office in December last year. We met a group of young staff workers who were there on condition of anonymity to talk about the death of a young co-worker and to relate how it happened. From that conversation it was quite clear to me that there was intense anger and a fear of openly talking about what had happened. But they wanted to make sure that I had heard their story, even if it meant meeting in secret. We met again to talk over this issue earlier this year. It was clear they wanted a few solid outcomes: first, for their story be told and, second, for the community to become more engaged. They felt silenced by the community and by their workplace.

At roughly the same time, I met some young people: the youth ambassadors from the city of Casey. These city of Casey study tour leaders spoke openly about the challenges and pressures they face. I have always valued the frankness of the feedback I receive from these discussions, and I thank
the City of Casey for the program which enables this interaction between our young people and political representatives. At these roundtables I have been fortunate over a number of years to engage with young people in our community to talk about the issues they are dealing with in their lives and how they are handling them. Issues mentioned range from school bullying to the immense pressure of being required to define, when they are as young as 16 or 17, who they will be as adults.

What has emerged in the past twelve months from many of these conversations is an incredibly serious issue. The young people talked about peers and friends committing self-harm and suicide. This understandably has caused these young people intense distress. But they wanted an engaged community discussion—an informed discussion—about what had been occurring even until recently and what needed to be done to prevent their friends and loved ones from taking their own lives.

When I determined to host this summit and my intention became public, what struck me was the number of people who came forward who had been touched by youth suicide and who related story after story of their own loss or the loss suffered by someone they knew and expressed their intense frustration that they were not able to talk publicly about what had happened. They felt confronted by a wall of silence in the community, which was not giving them permission to discuss their loss. But many wanted the opportunity and wanted awareness in the community about youth suicide.

It was also of incredibly deep concern to me that young people feel that they have to shoulder the burden of support to those contemplating self-harm and those who have lost loved ones and friends. I am concerned that the understandable silence that surrounds the issue of youth suicide creates a belief that we as a community do not want to hear from young people or to provide support. That results in our young people feeling too ashamed, too guilty and too stigmatised to put up their hand and ask for help. That belief quite clearly is not correct, but we must do whatever we can do address and correct it. One thing that I am increasingly aware of—and the young people who read or listen to this speech must be aware of it too—is the deep concern on the part of schools, parents, community leaders and service providers about our young people’s wellbeing.

I was extremely pleased to be joined at the summit by Professor Patrick McGorry, a pioneer in the field of adolescent mental health who was Australian of the Year in 2010 and is the Executive Director of Orygen Youth Health. At the summit, Patrick McGorry made it clear that 'suicide is preventable, but to solve the problem we must first talk about it'. He continued:

Unlike the road toll, which has reduced by one third to 1,600 deaths a year and continues to decline, suicide remains a taboo subject and is sidelined in social policy. Our lack of conversation around the topic has only endorsed the silence that surrounds our young people, who often feel too ashamed, too guilty and too stigmatised to put up their hand and ask for help. By asking a young person about these feelings we give them permission to talk and, in most cases, they will feel relieved and better able to deal with the issue.

I am proud of the young people in my electorate and I was very proud to host this summit. I believe it will lead to further discussions to prevent a tragedy that has been occurring on our doorstep for some period of time.
Murray-Darling Basin

Mr PYNE (Sturt—Manager of Opposition Business) (16:45): Just briefly, before I talk about the Murray-Darling Basin Authority and the Murray-Darling Basin Plan, I might just endorse the comments of the member for Holt. What the member for Holt might not know is that, when I was fortunate to be responsible for mental health in the Howard government, I appointed Pat McGorry as the first head of headspace, the youth mental health initiative, because of his work with Orygen Youth Health. Of course, after he had finished with headspace, he went on to be Australian of the Year for his work on mental health. He is a great Australian, and it is an issue that we do need to take terribly seriously in this parliament.

The Murray-Darling Basin is an issue that I have been passionate about for all the period I have been in parliament. In 2001 I was one of the very first people to call for a national control of the Murray-Darling Basin. At the time, most political commentators and other politicians, even my own colleagues, said that there would never be national control of the Murray-Darling Basin and that I was flogging a dead horse, so to speak. However, it has to be said that 11, almost 12, years later there is universal support for the need for a national approach to the Murray-Darling Basin—a basin that covers four states. It has an enormous impact on our economy, on communities of people along the Murray and in the Murray-Darling Basin in general, on jobs and on the environment.

In June 2011, through the Australian Conservation Foundation, I and all other South Australian members of parliament signed a pledge which said:

Too much water has been taken out of the Murray-Darling for too long. The chronic overuse of water has dangerously degraded South Australia's Coorong and Lower Lakes and many other internationally important wetlands and made many communities suffer.

Strong leadership from Australia's political leaders can deliver a Murray-Darling Basin Plan that restores the environment, provides certainty for regional communities and creates jobs.

I pledge my support for a Murray-Darling Basin Plan that ends the overuse of water and returns enough flow to the Murray darling to restore its health.

I am happy to reiterate that pledge today in this parliament.

I say about the Murray-Darling Basin Plan that the Murray-Darling Authority has come up with that it is now the job of the current federal Labor government to get the state governments to agree to this Murray-Darling Basin Plan. It is not the job of the opposition to do that, but it is the job of Tony Burke, the minister for the environment, to do just that. The portents are not good. In my own state of South Australia, Premier Jay Wetherill is trying to show that he is not the weak reed that he has been accused of being in so many areas of policy by pretending that he is tough on the Murray-Darling Basin and South Australia's interests.

No one knows more about South Australia's interests than the farmers along the Murray in South Australia, from the border right through to the mouth of the Murray. I am pleased to have the member for Barker in the chamber tonight because he represents almost that entire area, along with the member for Mayo, Jamie Briggs. Both those members know the enormous contribution that irrigators along the Murray have made to investment in good irrigation, good management and good environmental outcomes for not just the last few years, not even the period of the Howard government, but right back to 1970 when South Australia signed the cap agreement on extractions from the Murray-Darling Basin. One of the great failures in the management of the
Murray-Darling and the government’s plan is that it does not reward and does not take into account the extraordinary investment that Riverland farmers and other farmers have made right along the Murray in South Australia over a period of over 40 years, where they have ensured that they are the best irrigators in the country. It would be a travesty if this plan did not reward the good investments and the good work, that has been done by South Australian irrigators for both the environment and the economy in my state.

When decisions are being made about investments, water-saving measures and infrastructure along the whole Murray-Darling Basin, it would be wrong if South Australians did not get the full measure of the reward that they should get for the investment that they have made. In planning their response, I hope they take that into account. (Time expired)

Sustainability

Mr Kelvin Thomson (Wills) (16:50): At lunchtime I was one of a number of MPs from both sides of the parliament who took up Dick Smith’s invitation to MPs and senators to support his view that perpetual growth in the use of resources and energy is not sustainable in a finite world. I want to take this opportunity to set out why I think he is right and why I was, and am, pleased to be associated with him.

Our obsession with economic growth, using GDP as a performance indicator, sucks us into a number of traps, most notably inevitably luring us into policies to promote population growth. It is a quick and easy way to boost the GDP number. Of course, it is dodgy. If more people come to live in your street, an economist will do the sums and say your street is wealthier. However, it does not make you any better off. Indeed, population growth makes people’s lives harder. There is more competition for jobs, more competition for housing, more competition for space on the roads and a spot on the bus et cetera. It brings with it rising costs of living, more people out of work, traffic congestion, declining housing affordability and environmental damage.

Joseph Stiglitz and his fellow Nobel Prize winner Amartya Sen said in 2009 that the shortcomings of GDP as a measurement were one of the causes of the global financial crisis. The deficiencies helped portray the US economy and the global economy as being in better shape than they actually were before the credit crisis hit. Stiglitz said:

In a performance oriented society, what you measure affects what you do. If you have the wrong measures, you can wind up doing the wrong thing.

GDP does not take into account anything where money is not involved. Accordingly, it does not say anything about the contribution made by households or community volunteers. This leads to transparent anomalies. If we paid our neighbours to do our housework and they paid us to do theirs, the GDP would boom and politicians and economists would be delighted.

It is hard to see, however, precisely how we would all be better off under such an arrangement.

More seriously, a whole realm of essential work caring for our children and caring for our older people goes uncounted. But just because this work does not have a dollar value does not mean it has no value at all. On the contrary, it is and always has been an essential part of the richness of our society. If you take out the volunteer work, the community work and the work we do maintaining our houses, our society would soon fall over. Moreover, it can hardly be right that work such as child care or
housekeeping has value if money changes hands but no value if it does not.

I believe we should ditch GDP as a key performance indicator. We certainly need to continue to have measures of economic performance, but we need to give equal billing to environmental indicators, health indicators, education indicators and social justice indicators. We should treat GDP and economic growth as a by-product, not as an objective. The important economic indicators are employment, inflation, interest rates and a balanced budget. These things really do matter. We want full employment or as close to it as we can possibly get. We want low inflation, keeping prices as stable as we possibly can. We want low interest rates; we do not want people in debt and going broke. And we want balanced budgets; we do not want countries in debt and going broke. Full employment, low inflation, low interest rates and balanced budgets—these are the important economic indicators.

There are, of course, many possible different environmental indicators of performance, but I think that some need special attention. The first is stopping the decline in the number of birds, plants and animals and stopping the habitat destruction, which is the biggest driver of this. The second is cutting carbon dioxide and other greenhouse gases, preferably globally by 60 per cent over the next 40 years, to head off dangerous climate change. And, because of the numerous adverse environmental impacts of population growth, the third important indicator is how countries are going in stabilising their populations.

We need health indicators such as life expectancy and how our rates of obesity and diabetes are moving. We need education indicators such as English literacy standards and post-secondary education outcomes. And we need social justice indicators. What is happening to the gap between rich and poor? What about fairness in the workplace? How are we treating our students, our older people, our people with a disability and our Indigenous people? These are the things that really matter. These are the things that we should be putting real effort into measuring, and even more effort into achieving.

Gippsland Electorate: Sale Specialist School

Mr CHESTER (Gippsland) (16:55): I appreciate the opportunity to bring to the attention of the House the appalling conditions which are currently being endured by students, staff and parents associated with the Sale Specialist School. The Sale Specialist School is in desperate need of a new site and a purpose-built facility to meet both current needs and future expansion opportunities for students with special needs in my community. The students at the Sale Specialist School are enduring the worst conditions of any school in my electorate. I challenge others in this place to find worse conditions anywhere in Australia for students with special needs.

When the school was built, it was to cater for 15 students; there are now 77 students studying across the two campuses, one of them being a temporary campus. The classrooms are small, cramped and inadequate, and they would not be tolerated by any mainstream school. I have had the chance to visit the school twice this year and meet with parents, teachers and the students themselves. I must say I am appalled by the conditions that the students are enduring. There is no therapy room for speech or physio work or specialist allied health services; they are all conducted in the corner of a storage room at the moment.

Outside playtime for the students has to be rostered because not all the students can fit in the playground at the same time. The
situation is worse for the middle year students, who have been moved to a temporary site. The previous Labor state government promised the school that they would be at the temporary site for three to five years. Well, it has been five years and we still have not secured any land to build a new facility. This temporary facility is really a collection of old portable buildings on the back of the Sale High School. These are old portable buildings which other schools have discarded, and they have been cobbled together in something that we are referring to as a temporary campus for these students. While most other schools have a school gymnasium, the Sale Specialist School kids have a shipping container in which to store their sporting equipment; and on days of inclement weather there is no area for them to play anyway because there has been no landscaping on the grounds around the temporary facility.

This school community has been patient for too long. They have been waiting their turn for funding for many, many years now. They were failed by the previous state Labor government, which promised to secure some land for the Sale Specialist School. That never came to fruition. Unfortunately, under the Building the Education Revolution program, this school was failed again by the federal government—because they did not have any land available for expansion, they missed out on their money. Their share of BER funding was about $800,000—that money was absorbed into other schools in the Gippsland region. So the Sale Specialist School has missed out twice, and has no reason to trust either state or federal governments when you see the conditions the students are enduring at the moment.

I despair that we have got ourselves into a position where we have 77 students in a facility which does not even meet the basic needs of students with disabilities in any way, shape or form. I also despair because, across my electorate, under the BER program we got a lot of new halls, basketball stadiums and everything else, but we have this school with the greatest needs and it got nothing at all. That, I think, is the greatest failing of the BER: it did not actually address needs; it was a one-size-fits-all approach. That has been very disappointing for the parents and staff associated with the Sale Specialist School.

On a slightly positive note, I can report to the House that the local state member, Peter Ryan, who is the Deputy Premier of Victoria, and I have met with a delegation from the school. In conjunction with some local real estate people, Peter has taken steps to locate a potential site for a new development. I would hope that the acquisition of the land is not that far away at all. We will then have something to move forward with so the community can lobby both state and federal governments to get on with the job of actually providing these kids, staff and their parents with the type of facility they deserve—particularly because in the 21st century we know much more about the educational needs of kids with disabilities. It could be that in the next six months we will have to turn away some new enrolments from the Sale Specialist School because we cannot cope with current demand. That would be a tragedy for those students and their parents.

In closing, I echo the words of the Principal of the Sale Specialist School, Shelagh Donegan. She wrote to me and said, 'It is a disgrace that we have reached this stage without intervention.' I can only say in this place here this evening that I stand ready to work with the school community and the state government—and the federal minister if at all possible—in partnership with the local community to make sure this project is a priority in the future. We need to secure the
land and get on with the design work and actually get these kids into a decent facility because the students at the school have waited too long.

Gwyther, Mr Barry

The DEPUTY SPEAKER (Ms AE Burke) (17:00): Today is Barry Gwyther’s last day as the Assistant Serjeant-at-Arms. He will retire from his position tomorrow, which I am very sad to see. We all know that Barry is not one to seek the limelight, and that is why I am doing this now when he is in the chamber. It would be remiss of me not to thank Barry on behalf of all members of the parliament for his important and very long contribution to the parliament. Barry joined the department in October 1998 after a 27-year career in the Army—one need only look at Barry's shoes to be aware of that! He has been a highly valued member of the Serjeant-at-Arms’ office, providing wonderful support and service to members and departmental colleagues. He is very highly respected by all who have worked with him—I agree entirely with that. Thank you, Barry. We wish you all the very best for the future. I know there is going to be one very happy cow out there!

I also want to mention Ann Mackinnon, another valuable member of this place. Many would not know her but would appreciate her work through the IT department. Ann is also finishing up today.

Debate interrupted.

House adjourned at 17:01

NOTICES

The following notice was given:

Mr Bandt to move:

That the House Standing Committee on Education and Employment inquire into and report, by 31 December 2012, on the:

1. current level of employment in the Australian Public Service (APS) of:
   - people with disability;
   - people of Aboriginal and Torres Strait Islander decent;
   - people from culturally and linguistically diverse backgrounds; and
   - recent migrants (including those on humanitarian and family reunion visas);
2. current APS framework for recruitment and retention of people from these groups;
3. operation of targets and quotas in overseas jurisdictions for people from marginalised backgrounds; and
4. potential benefits of instituting formal employment quotas and targets for the APS.
The DEPUTY SPEAKER (Hon. BC Scott) took the chair at 09:30

CONSTITUENCY STATEMENTS

Ryan Electorate: Hear and Say Centre

Mrs PRENTICE (Ryan) (09:30): I rise today to acknowledge the work of an outstanding organisation in my electorate, which is helping children across Queensland: the Hear and Say Centre. The Hear and Say Centre, based in Auchenflower, was established by Dimity Dornan in 1992. Dr Dornan wanted to develop an auditory-verbal therapy program for children who were deaf or had hearing loss. She started with just six children in a small office in Brisbane. Today more than 500 children and families are involved in the program across five centres in Brisbane, Cairns, Toowoomba, the Gold Coast and the Sunshine Coast. The centre also has an outreach program to support regional and remote families. The Hear and Say Centre provides a unique family based program, which recognises the parent as the natural language teacher for their child. Their aim is for all children to achieve age appropriate speech and language, like their hearing peers, by six years of age. This gives them the opportunity to attend local schools, have wider employment choices and improved social integration with the hearing world.

Hear and Say also provides worldwide professional education for hearing healthcare workers and is leading advancements in collaborative research and development in neuroscience, biotechnology, education and e-health.

The staff at Hear and Say include certified auditory-verbal therapists, speech pathologists, teachers of the deaf, audiologists and early childhood teachers, who are supported by administration, fundraising and communications staff, and a range of volunteers. The funding base for the centre includes state and Commonwealth government grants, and the Medicare levy, but the majority of funding comes from donations including fundraising and support from community service groups and corporate organisations.

The Hear and Say centre recently marked its 20th anniversary. I congratulate founder Dr Dimity Dornan and her staff on this significant milestone. After helping thousands of youngsters, the centre is celebrating with plans to expand from its Auchenflower base to a new $10 million centre in Ashgrove. Hear and Say has purchased adjacent buildings at Nathan Avenue, part of the former Ithaca campus of the Brisbane Institute of TAFE.

The area planned for Hear and Say is more than double the space they currently occupy and would accommodate Hear and Say for at least the next 20 years. The new state-of-the-art facilities will allow Hear and Say to provide services and programs to give deaf children the world of speech and sound for the next 20 years and beyond. The centre will also provide headquarters for Queensland's largest paediatric implantable hearing technologies program and create a bioscience precinct for clinical excellence in neuroscience, biotechnology, education and e-health. To make their vision a reality, Hear and Say have created Project Possibility, a campaign which will enable them to raise the necessary funds to refurbish their new buildings. In June 2010, the Queensland government announced $2 million worth of capital funding for the Hear and Say Centre. This seed funding was used to purchase the buildings and the centre are now appealing to the community to give generously to help build...
their new home. Every dollar makes a difference. I would encourage everyone to support Hear and Say's extremely important work, which is of benefit to our entire community.

**Disability Services**

**Mr NEUMANN** (Blair) (09:33): Our Paralympic athletes are inspirational heroes. They demonstrate the abilities and potential of those living with disability. There are many inspirational heroes in the Blair electorate. Unsung heroes who live with disability care for those with disability and provide services—heroes such as Peter and Linda Tully, regional facilitators for Queenslanders with Disability Network; disability advocates; people who are desperate for a National Disability Insurance Scheme; and heroes from outstanding service providers such as IRASI, CODI, ALARA, FOCAL Extended, just to name a few.

Recently I hosted an NDIS forum at the Ipswich Special School with the Parliamentary Secretary for Disabilities and Carers, Senator Jan McLucas. We were joined by QDN CEO, Fran Vicary, along with Peter and Linda Tully, and hosted by Ipswich Special School Principal, Bruce Grigg. Evidence at the forum was obvious. People are angry and they want to know why the Queensland Premier Campbell Newman is treating disability reform with disdain. As most states and territories have signed up to a trial site, the Queensland Premier did not even bother to make a submission to the federal government for a launch site. His dismissal of this vital issue has demonstrated to the people of Queensland his callous, heartless and brutal decision making. It is a breach of faith and a breach of an election commitment. Before the state election he committed his government, if elected, to participation and involvement in the NDIS. But not a dollar—not a cent—was offered by the Queensland LNP government for a launch site. Participants at the NDIS forum asked me what they could do. I urged them to contact the state LNP members for Lockyer, Ipswich and Ipswich West. Blair would be an ideal site. The Minister for Families and Disability Reform said at a local forum I held in May 2012 when she met with carers and people with disability, 'It would be an ideal launch site'.

Ipswich was not even on the radar for Campbell Newman and the LNP state members. Peter Tully said he was ready to scream at the decision of Campbell Newman. He knows the NDIS is not a luxury item. It is an overdue necessity. These LNP state members are gone to dust, gone to silence and gone to hiding. It is an outrageous response from them. The fact is that the Queensland LNP government has misled the people of Queensland. They know that this is a matter of priority and they have chosen not to prioritise it. Twenty million dollars over four years—they are prepared to spend it on horses and they are prepared to spend it on executive buildings in the middle of Brisbane, but they are not prepared to spend it on 80,000 Queenslanders suffering from disability. A launch site would help people in my electorate. Campbell Newman has misled the people of Queensland with doomsday predictions that are inaccurate, and with an alleged debt crisis and an alleged insurmountable deficit. He has simply misled the people of Queensland and given them inaccuracies. They say one thing overseas and say another to the people of Queensland. It is a national disgrace that they have chosen to do that.

**Wright Electorate: Volunteers**

**Mr BUCHHOLZ** (Wright) (09:36): I rise to speak about some of the magnificent contributions that volunteers in my community have given, particularly the Lions clubs and the Rotary clubs in my region. If we as state, federal or local governments were to put a price
on the amount of man-hours contributed by these organisations—not only by Lions and Rotary but by all volunteer organisations—that would be a difficult figure to comprehend. I know that both state and federal governments are thankful to these organisations for the mountain of work that they have done.

Last year, 2011, was the International Year of the Volunteer, and Treasury put an estimate somewhere in the vicinity of $16.4 billion worth of benefit to the community generated by volunteer hours. Ironically in this year of 2012—the Year of the Farmer—the farmers in my electorate often think that they are working for the same financial gain as some of our volunteers did, believing that they are working for nothing. But today I congratulate members of my electorate of Wright who have made significant contributions to their community.

Firstly, I congratulate retiring Boonah Lions Club president, Andrew Bader, outgoing treasurer, Ian Pask, and re-elected secretary, Wally Sands. All of these men are mountains in their own community for the amount of work they get through. They go about their work very quietly, but if there is a hamburger stall, or a show or a function they are at the forefront, flipping burgers and serving drinks, and raising money for their organisation. I welcome the incoming president, Tom O'Neil. Tom also does a mountain of work in the electorate and is a welcome president, as is the newly elected treasurer, Mile Murray. To all of those I say thank you for your contribution to the community.

I would also like to congratulate the Harrisville Lions Club on their 30-year anniversary, and in particular the outgoing president, Glenys Bentley, the first woman president of the club—what a wonderful milestone—and secretary, Mick Rashford, and treasurer, Duncan McInnes. Duncan is a local councillor and I take the opportunity to thank Duncan for his contribution to the community. Also, congratulations and welcome to the incoming president, Rob Quodling. Rob will do a magnificent job with the Harrisville Lions Club, along with secretary, Dennis Dwyer, and treasurer, Al Ledger. These people do magnificent work in their communities, and as a result the communities of Boonah and Harrisville are better off for their contributions.

I thank the House for its indulgence.

**Richmond Electorate: Health Services**

_Mrs ELLIOT_ (Richmond—Parliamentary Secretary for Trade) (09:39): I rise today to detail some of the serious concerns about the very harsh cuts of the O’Farrell Liberal-National state government when it comes to cuts to health services on the New South Wales North Coast—in particular the recent decision to replace the emergency department's overnight doctor with a video link at Mullumbimby hospital. Locals are quite rightly very concerned and I commend all those doctors, nurses and community members who have spoken out about that very important issue. I share those concerns and I call upon the National Party state member for Ballina, Don Page, to start doing his job and stop this cruel cut to the Mullumbimby hospital. Don Page is not just the local state member but also the Minister for the North Coast, and he needs to tell locals that there will be no video link at all at the emergency department of the hospital. He also needs to rule out a trial. He needs to do this urgently. The community quite rightly is very concerned. The fact is that parents with a very sick child or a relative who has been injured at night need to have the security of knowing that if they rush to the emergency department at Mullumbimby Hospital there will be a doctor
there, not a video camera link to another hospital. They need to have the security of knowing there will be a doctor there.

We all know that the O'Farrell government is cutting country health services right across the North Coast. It is a real concern for us on the North Coast of New South Wales. And there is a cloak of secrecy around the decisions being made by the local member, Don Page, and the O'Farrell government. We know that is why they were previously refusing to allow the media and locals into the hospital to see the video link and associated equipment.

On Thursday 26 July I visited the hospital with state Labor MP Walt Secord and saw firsthand the video link equipment to be used in the emergency department. We were invited into the hospital by a very concerned local doctor. I thank her for showing us around the emergency department. While I am a very strong supporter of telehealth, and I understand the great benefits it brings to accessing health services—I think we all acknowledge that—the fact is it cannot replace a doctor in an emergency department in a country hospital. It is an additional medical resource, not a replacement.

Despite the concerns of local doctors, nurses and residents, local member Don Page has been unable to provide guarantees that a trial will not go ahead. He needs to come clean and assure people of the North Coast that this will not go ahead—that the video link will not go ahead in any form at all. To date it appears that Don Page is either unwilling or unable to stand up and fight for the residents of the North Coast. The situation is totally unacceptable and I know that locals will not be silenced on this issue. The O'Farrell government has previously promised to support rural and regional hospitals but all we have seen is broken promises and harsh cuts to local families. In fact, that is all we have seen from the National Party right across the North Coast. Look what happened to Grafton jail; what a shameless display by the National Party. We look to Tweed Heads and Lismore—in all those areas there is a trail of broken promises. The fact is that the National Party cannot stand up and deliver for the people of the North Coast.

A division having been called in the House of Representatives—

Sitting suspended from 09:42 to 10:08

Hasluck Electorate: Disability

Mr WYATT (Hasluck) (10:09): I rise today to talk about the visit of Senator Mitch Fifield, the coalition shadow minister for disabilities, carers and the voluntary sector, to my electorate of Hasluck last week. When I am out doorknocking or visiting constituents, I am consistently taken aback by the sheer number of people that are impacted by disability either personally or through caring for someone with a disability. As a result, I invited the senator to come to Hasluck to hear firsthand the challenges that some individuals and families in Hasluck face. Firstly, we met with workers at the Swan Volunteer Centre in Midland who match prospective volunteers by evaluating their skills and interests and placing them with the community group that most requires that skill set. This group provides an invaluable service not only to the City of Swan but to the whole eastern metropolitan region of Perth.

Next I took Senator Fifield to see the great work done by the people at the Friendship Cafe in Midland. The owner of the cafe, Maria, provides young adults with disabilities the opportunity to be trained and develop skills that assist them later in life as workers and volunteers. This is a fantastic example of what can be achieved with dedication from both
employers and employees. Seeing the satisfaction Maria takes from helping these young people realise their ambition of meaningful employment is inspiring.

Another local organisation we visited was People Who Care, which is a not-for-profit, volunteer independent group that specialises in providing services to people with high care needs. This service is provided to avoid premature or inappropriate admission to long-term care facilities by assisting the frail, the aged and people with disabilities to remain as independent as possible. The staff at the People Who Care touched me with their compassion and dedication to helping our elderly. Senator Fifield and I were also presented with a People Who Care beanie, which we will proudly wear—particularly to keep our heads warm in Canberra.

The final group that Senator Fifield and I met with was the ACTIV Property Care, which is part of the ACTIV Foundation. At ACTIV we were shown the specialised training opportunities they offer to people with disabilities and the help they provide in finding employment opportunities right across Perth. People with disabilities are able to receive training in a wide range of topics, from business to horticulture to manufacturing. ACTIV CEO, Tony Vis, has a strong vision for the group and its workers.

Having seen some examples of the support network that exists for people with disabilities in Hasluck, I had invited a number of my constituents to a forum to discuss their concerns with Senator Fifield later that evening at a community forum. The forum was well attended and received by the community, who were appreciative of the opportunity to come and hear Senator Mitch Fifield; the Hon. Helen Morton, the Western Australian Minister for Mental Health and Disability Services; Monica Feldman, the disabilities participation coordinator at Centrelink; and Tony Vis, the CEO of ACTIV Foundation, talk about a range of issues.

A key issue people often face is not only a lack of services but a lack of knowledge of these services. I wish to thank Senator Fifield and all of the people who took part in that day.

Hindmarsh Electorate: Fundraising

Mr GEORGANAS (Hindmarsh) (10:12): Today I rise to congratulate a very special group in my electorate in South Australia and indeed across Australia, and that is the Greek Orthodox Archdiocese of Australia for their energy, commitment and initiative in fundraising. They have been fundraising to assist the people in Greece who are homeless, who are destitute, who have lost their jobs because of the financial crisis. They have raised funds here in Australia—over $320,000—under the auspices of his eminence Archbishop Stylianos and they have sent over $320,000 to be distributed to different homeless centres, such as the Homeless Foundation in Athens, for the provision of a meals centre which feeds over 1,200 destitute people every single day in Athens.

These soup kitchens or homeless centres are struggling to cope with demand at the moment. There are so many people out of work. The economic crisis has been cruel, especially to workers, but crueler still to older people living on very meagre pensions and those who depend on their children to support them. Today, many of their children have lost their jobs. One in five people in Greece are now unemployed along with over half of the nation's young people—that is 20 per cent unemployment and around 50 per cent for young people. These are absolutely shocking statistics, and it has been terrible to read about the sharp increase in suicides that have taken place in Greece since the economic crisis began.
In the past these homeless centres mainly served immigrants, many of whom were struggling to survive, and refugees. The deputy mayor told me when I was there recently that they estimate around 500,000 unauthorised migrants are living in the centre of Athens. That is an astronomical issue that they have to deal with, as well as the global financial crisis and their economic crisis. But now three to four people eating at soup kitchens are actually locals who rely on handouts to survive. I was fortunate to be there just recently, in my role as a board member of the World Hellenic International Association. I took the opportunity to visit one of these organisations which is working so hard to support the people in need, one of the organisations that benefitted out of the fundraising that was done here under the Orthodox Archdiocese. With the help of the Australian Ambassador to Greece, Mrs Jenny Bloomfield, and the Deputy Mayor of Athens, we arranged a visit to one of these centres. The Deputy Mayor, Mr Provatas, is a magnificent man who is so committed to trying to help the destitute and homeless people in the city of Athens. Along with the Ambassador, who does a great job in Athens for Australia, we were accompanied by the president of the Shelter for the Homeless, Mr Apostolopoulos, who is a councillor, and I am very thankful to him for the time he took to explain the current situation. What we saw there was both uplifting, because of the enormous energy by volunteers to assist, but very deeply sorrowful as well—(Time expired)

**Durack Electorate: Mrs Philippa Rumble**

Mr HAASE (Durack) (10:15): I rise today to focus the attention of the chamber and to congratulate a fine young constituent in my electorate of Durack: Mrs Philippa Rumble, from the small farming community of Mullewa. Philippa, or Pip as she is affectionately known, was crowned the Royal Agricultural Society of WA's Rural Ambassador 2012 on 11 August this year. That occurred in Perth. Pip was judged on personal presentation, agricultural knowledge, general rural knowledge, her two-minute verbal presentation, interests in community organisations and her background in rural interests. Nominated by the Mullewa District Agricultural Society, Pip won the Mid West Zone and was awarded the state's honour after outperforming candidates from the Central, Eastern, Great Southern and South West zones.

The Rural Ambassador competition is a national competition aimed at young rural adults who have a passion for living and working in rural communities. The competition aims to discover the next generation of rural leaders who have the desire to represent and promote their community, their region and their state.

Born in Geraldton, and after spending time in, amongst others, Port Hedland and Gascoyne Junction, Pip and her husband Phillip moved to Mullewa in 2009. At 24 years of age Pip is the mother to two boys: Hunter, aged two, and Max, aged one. Seeing the need for reliable day care in her town, Pip opened a rural family day care centre and works four days a week between the hours of 8 am and 4.30 pm. Pip speaks of her pride for her community, and states, 'Mullewa is the most beautiful town in the world.' According to Pip, the community spirit is tangible.

Pip is an inspiration for her generation and future generations. Pip shows that living in the country is not, should not and will not ever be a barrier to people reaching their full potential. Given the nature of the ambassador's role, this year will prove to be another great experience for Pip as it encompasses the real meaning of community and the spirit of the bush.
With a population of around 1,000, Mullewa can once again boast a state winner in the Rural Ambassador Awards. Formerly known as the Miss Showgirl competition, Mullewa previously had a state winner in 1983. Mullewa is a broadacre-farming and also sheep-farming area. These days it is part of the City of Greater Geraldton and is a great spot to visit during spring, with the wildflowers on display.

Pip Rumble is a positive role model for not only her local community but also for the wider agricultural community of Western Australia, and I wish her all the very best when she represents Western Australia in mid-2013 in New Zealand for the trans-Tasman final.

So I, and all the community of the Mid West, especially Mullewa, wish her all the very best.

Lindsay Electorate: Jessica Fox

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (10:18): Sport has always been an important part of local community life in my electorate. As the host of a number of Olympic venues in the 2000 Sydney games, the people of the Greater Penrith region do not need much of an excuse to embrace the spirit of the greatest games on earth.

At these Olympics our local community has had much to be proud of. And no-one has made us more proud than Jessica Fox, who in her first Olympics, at the age of 18, claimed a silver medal in the K1 canoe slalom event. Jessica is a well-rounded, high achiever and a wonderful person. She is a great role model for young people, not just in our local area but right across the country. Apart from her silver medal, Jessica has already achieved other career highlights such as a double Junior World Championship and as Youth Olympic Champion in 2010. Out of the water, Jessica has also achieved remarkable academic success, particularly during her HSC last year, when she was named academic dux of Blaxland High School, topping New South Wales in the subject of PDHPE and receiving an ATAR score of 99.1.

Jessica has a fine pedigree when it comes to her exploits on the water, with both of her parents having been first-class paddlers. Jessica had the rare privilege of competing against Stepanka Hilgertova from the Czech Republic, who actually competed in the 1996 Atlanta Games against her mother, Myriam Fox-Jerusalmi. Jessica's father is the Australian national performance director and was one of the key figures that helped secure the Penrith Whitewater Stadium and the paddling events for Penrith in the 2000 games. I know that Richard and Myriam, like the rest of our community, are immensely proud of Jessica's efforts.

Also representing us on the water was another outstanding Penrith canoeist, Robin Jeffery. In 2011, Robin was selected for the Australian squad, and in the same year he went on to win the C1 event at the national championships. In London, we watched Robin and his partner, Kynan Maley, make it into the men's canoe double semifinals. I congratulate Robin on his success and wish him all the very best in the future.

We are also very proud of our very own Hockeyroo, Jade Close. Jade was added to the national women's squad in 2011 after only six appearances in the senior Australian ranks. In London, we proudly watched Jade in her finest striking form as she secured the only goal in a tough match against South Africa. The Hockeyroos put up some great performances in London and Jade was an integral part of the team.
Finally, I congratulate star basketball player Matt Nielsen. Matt was a Penrith junior who has gone on to great success on the international stage. His remarkable skills played a strong role in helping Australia reach the quarter finals in men's basketball. I congratulate Matt on this great achievement and wish him and his family all the best for the future.

To all of these athletes, we say thank you and congratulations for your outstanding contribution and the fine manner in which you have represented our community.

**Manufacturing**

Mr BANDT (Melbourne) (10:21): People in my electorate want to see a future for Australian manufacturing and so do the Greens. Australian manufacturing needs a road map for the future. So we look forward with a keen interest to the release of the manufacturing task force report today. We know that the high Australian dollar, in part created by the mining boom, has put pressure on our manufacturing businesses and pressure on jobs. The manufacturing sector has lost 125,000 jobs in the last four years. A key to the future for Australian manufacturing is innovation and value-adding, which means more investment in research and development and linking investment with innovation and skills and training. Melbourne is at the leading edge of research in Australia and it will play a big role in ensuring manufacturing stays competitive and viable into the future.

I am hopeful the task force will make some useful recommendations. But we need to have an industry policy with teeth, so the Greens want proposals for local content rules for big investments such as mining projects to be seriously examined and adopted by the government. Estimates suggest as little as 10 per cent of the steel used in the construction of some big mining projects is manufactured in Australia. These projects should have quotas requiring them to use a significant amount of Australian content. Many successful resource economies such as Canada and Brazil have local content rules. There is no reason why Australia cannot do the same.

I am pleased by reports today which suggest the task force will make recommendations regarding a sovereign wealth fund. At the tax forum last year, the Greens advocated that a substantial proportion of the proceeds from the mining boom should be quarantined in a new sovereign wealth fund. We need to address the challenge of the two-speed or 'Jekyll and Hyde' economy. A sovereign wealth fund investing offshore could help to counteract the appreciations of the Australian dollar, which have eroded the international competitiveness of important export industries such as sophisticated manufacturing, tourism and international education.

Sovereign wealth funds have operated well overseas in places such as Norway, where they have invested proceeds from their North Sea oil. So we should commit to putting in place a sovereign wealth fund, and the first step is a thorough examination of how it could be done. Sovereign wealth funds are generally state owned investment funds composed of financial assets such as stocks, bonds, real estate or other financial instruments. Around 36 countries have such funds. Some countries even have more than one. Currently, $4.2 trillion worth of assets are under management by these types of funds. That is an increase of 11 per cent from 2010.

In some respects Australia already has a type of sovereign wealth fund. The Future Fund was established in 2006 to meet unfunded pension liabilities for former public servants and
Defence employees. I do have criticisms of how the Future Fund has invested some of its revenue—most notably in tobacco shares, and I commend my colleague Senator Richard Di Natale, who is working to address this issue. However, I believe the Future Fund has shown that it is possible for such a fund to function effectively and with fairly wide support in Australia, especially if its remit is to invest in infrastructure and services that we will need after the mining boom is over.

**Goodwin, Mr Darcy David**

Ms SAFFIN (Page) (10:24): I want to pay tribute to a local and much loved man, Darcy David Goodwin, who passed away on 7 August 2012. On 8 August, in our local newspaper, the *Northern Star*, in an article written by Rodney Stevens, he was called 'Darcy, defender of the poor'. Darcy had a van and out of that old van he fed and comforted many. His service was called the Five Loaves Mobile Soup Kitchen and he tended to many.

I want to pass on some quotes from locals that describe this wonderful man. Two pastors officiated at his funeral: Pastor Horace Evans and Pastor Keith Jackson. Pastor Evans summed up Darcy's philosophy on life by saying, 'Darcy's true gift was that he valued people more than material possessions.' Pastor Jackson said:

> He was a genuine Christian through and through and somebody to be admired and respected for sacrifices he made, forsaking comforts to improve the lives of others.

Michael Fox said, 'I have never seen so many Indigenous people in my life love a whitefella.' Laurie Marriott said, 'I have known Darcy for 20 years. Darcy was a good man and an angel who treated everyone like a king.' Claire Chatfield said, 'I'm very sad. I loved Darcy. Darcy has been a good friend for six years. I will miss him.' Katherine Moyes said, 'I met him nine years ago at SCU, he was serving students food. His real life stories were so inspirational.'

Garry Berri said:

> He saved me and my son once when we were in a flood out at Tuntable. He gave us food and supplies. He was a good friend who will be sadly missed.

Colin Ellis said:

> This man has devoted all his time to God to look after and care for other people. It's going to take big shoes to fill what he was doing.

Jilda Winwood said:

> He was a very kind and compassionate man. One day I did not have any tea towels and he gave me some tea towels. He was an inspirational man.

Marnie Bonner said:

> Very sad … he was, as usual, at the market on Sunday, doing anything he could to help people who needed it. He asked to book a charity of the day … here's hoping his work will be continued. RIP, Darcy. He will be missed most especially by his loving, loyal wife, Marge.

One thing I want to say about Darcy is that he always used to talk about being on the journey, as he called it, and out on the highway. What I said publicly was:

Darcy was pure goodness and that is how he lived his life. He always said to me that out on the 'highway', as he called the journey of life, all was good and we had to help our fellow travellers. He did more than his share. May he rest in peace for a job and a journey well done.

He is survived by his wife, Marjorie, and surviving children Glen, Barry, Carol and Bev, having sadly lost baby son Paul at 10 months and his adult daughter Narelle in 1995.
The DEPUTY SPEAKER (Hon. BC Scott): Order! In accordance with standing order 193 the time for constituency statements has concluded.

BILLS

Fisheries Legislation Amendment Bill (No. 1) 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr JOHN COBB (Calare) (10:28): I rise to speak on the Fisheries Legislation Amendment Bill (No. 1) 2012. The coalition supports this bill, which implements a number of small amendments to the Fisheries Management Act 1991 and the Fisheries Administration Act 1991 to facilitate the implementation of electronic monitoring, or e-monitoring, in relation to Commonwealth fisheries; require AFMA to write to all fishers if a fishery or part thereof is closed or reopened or otherwise varied; remove the obligation for AFMA to consult with fishers prior to closing a fishery or part of a fishery to fishing in an emergency; clarify the meaning of 'part of a fishery', as it is used in relation to directions to close a fishery or part of a fishery; allow AFMA to waive levies applicable to statutory fishing rights when they are surrendered—and some conditions apply; and specify liability of corporations and other principals with regard to unlawful conduct. The bill is recognition by the government that their policies are driving our commercial fisheries to the wall. Recently, the government unilaterally decided to lock up another 1.3 million square kilometres of our seas. More than doubling the number of marine reserves, from 27 to 60, has nothing to do with sustainably managing marine environments or fisheries and is not based on science. It is just another occasion for the Greens to demonstrate that they are running this government and to ensure that Labor continue to rent Green support at the next election. It has real consequences for Australian commercial and recreational fishers and the regional communities which support them. When 'lock it up' is the government's approach to vast areas of Australia's territorial waters, is it any wonder that our supermarkets are overflowing with imported seafood?

Remarkably, Australia imports a massive 72 per cent of the seafood we eat. There is no doubt that we must conserve our oceans and be conscious of the breeding grounds and the seasons so that they can be sensibly harvested. However, our fishing industry understands this only too well and is at the forefront of managing sustainable fisheries. Our recreational fishers and our marine tourism industries understand that the value of their entire industry is dependent on having a sustainable environment, but they have been ignored.

The government, as well as increasing the area of marine parks without justifiable science, also continues to cut the quotas of our commercial fishers, forcing many out of the industry. And, to add insult to injury, the government expects the few remaining commercial fishers to pay vastly increased costs for the management of the fisheries, sending even more to the wall. This bill is a token attempt by the government to reduce costs of the struggling commercial fishers who are being regulated out of existence.

The amendment to allow electronic monitoring is welcomed by industry and, although expensive to set up, it allows the fishers to save money and not be required to carry and fund human observers, which costs over $1,000 a day.
AFMA requires data to inform its decision making to fulfil its legislative responsibilities: environmentally sustainable use of fisheries resources; effective and cost-effective fisheries management; research into the fisheries and the marine environment; and investigation of possible breaches and enforcement activities. Traditionally, this information is gathered through logbook returns, vessel-monitoring systems and human observers positioned on vessels. E-monitoring involves electronic recording of fishing and related activities and includes use of cameras, GPS and vessel-monitoring systems. E-monitoring will complement other monitoring techniques.

The decision regarding whether to use observers or install e-monitoring equipment is made by AFMA, in consultation with the relevant management advisory committee for the fishery. MACs are made up of members from commercial industry, fisheries management, the scientific community, the environment-conservation sector and, in some instance, state governments. The decision to introduce e-monitoring would be based on the fishery specific monitoring requirements of, as well as the costs and benefits to, each fishery.

The bill will make several minor amendments to the FM Act to make provisions clear and consistent, to help ensure that provisions operate as intended and to simplify the administration of the Fisheries Management Act.

The bill will clarify the meaning of 'part of a fishery' as it is used in relation to directions to close a fishery or part of fishery to fishing. The provision will avoid doubt by providing that 'part of a fishery' can be defined in any way, consistent with the FM Act's definition of 'fishery'.

The bill will make it a requirement that all fishers are given written notification of a direction to close a fishery or part of a fishery to fishing or of any variation to or revocation of such a direction. The bill will also remove the requirement for AFMA to consult before making a direction to close a fishery or part thereof in an emergency. A requirement upon AFMA to consult in an emergency is inconsistent with the need to take urgent action. Because emergency closure directions are legislative instruments, they will still be subject to parliamentary scrutiny and AFMA will be required to notify fishers of the emergency closure as soon as possible. Examples of an emergency include where water becomes contaminated by an oil spill or algae bloom and where consumption of the affected fish poses a health hazard.

The bill will also make it possible for AFMA to waive levies payable in respect of a statutory fishing right that is surrendered and any penalty amounts payable for non-payment of the levy where no fishing has been undertaken under the statutory fishing right in the period to which the levy applies. The Fisheries Management Act currently provides AFMA with this power in respect of fishing permits but not in respect of statutory fishing rights. The amendments will remove this inconsistency to ensure that the same ability to waive levies can be applied to statutory fishing right holders.

The coalition recognises the important role fishing plays to hundreds of coastal and river communities in bringing employment to millions of Australians and to the national economy. The commercial fishing sector has a value of more than $2 billion, making it the sixth largest primary-producing sector. In addition, it is estimated that 3½ million Australians participate in recreational fishing, spending over $3 billion each year in charter hire, fishing and boating equipment, travel, accommodation and bait. The coalition are keeping a close eye on the
fisheries portfolio as we are concerned that Labor continues to threaten the sector to keep the support of the Greens and to allow fringe environmental groups to unilaterally influence policy. The issue of no-take zones has caused great uncertainty for businesses that are directly and indirectly reliant on access to fishing resources right around Australia.

In conclusion, the coalition supports this bill, which will provide small, sensible measures to improve fisheries management and to cut ever-increasing costs imposed by the government that are crippling the sector.

Mr ADAMS (Lyons) (10:36): The Fisheries Legislation Amendment Bill (No.1) 2012 will amend the Fisheries Management Act 1991 and the Fisheries Administration Act 1991. The purpose of this bill is to facilitate the implementation of electronic monitoring and to upgrade the acts to provide modern administrative processes to use electronic opportunities of e-monitoring in a positive way. That is consistent with the direction of most government agencies in making administrative and regulatory processes of any industry more efficient and more effective and probably bringing down the costs associated with the regulatory process.

The bill will provide for a system of e-monitoring of fishing and fishing related activities undertaken by Commonwealth fishing concession and scientific permit holders. Other amendments to the bill will increase the effectiveness of the provisions of the Fisheries Management Act that make corporations and other persons responsible for unlawful conduct engaged in by their employees, agents or directors. The amendments will also improve consistency and clarity by amending the obligations that AFMA has when making and notifying fishers of directions to close a fishery, including in emergencies. If information comes to hand, then they can get information out quickly and notify fishers at sea or on land on what their decisions are.

The bill will also clarify 'part of a fishery,' which sometimes might be affected and needs to be dealt with. It brings the act into line with that. It also permits AFMA to waive levies which apply to statutory fishing rights. I understand that consultation has taken place with other agencies. Large sections of the fishing industry have also been consulted and involved in trials of e-monitoring. The Commonwealth Fisheries Association, the peak industry representative body, has been consulted on these proposed amendments. So we are moving forward, modernising the opportunities for managing fishing regulations and fishing management in Australia. Of course, fisheries management in Australia is seen as probably one of the best regimes in the world, and AFMA seems to be operating a stand-out process. The collection and organisation of data, and being able to get it together in a very efficient and effective way, is very important for regulation. Knowing what is coming out of the fisheries, what the take is, what the conditions are et cetera, helps us manage fisheries in a modern and positive way. Of course, that data goes into research and assists in maintaining our wild fish stocks in a sustainable and proper manner.

I want to go to an issue about fishing which has come up in the Commonwealth's small pelagic fishery. A large trawler is being considered for fishing off Australian waters. I have had a considerable number of people seeking information from me—some, I must say, in a very poor manner, in a very nasty manner. I do not mind people seeking information and letting me know their views but we all should endeavour to make those things operate in a proper manner. If anybody wants information from me, I do not mind them seeking it, but they should do that in a proper manner. My staff have to deal with emails and texts and other
things. The first question related to the number of people in the fishery. From the information I have been able to get in relation to this fishery, from the list of the SFR holders for this fishery, I have counted 169 separate quota in both the eastern subarea and the western subarea for the species including blue mackerel, jack mackerel, red bait and a small group in sardines. Of these, Seafish Tasmania has six quotas, three in each, and these are the only fish for which they have sought a quota.

The second question related to whether the ship the *Margiris* attracts an EU subsidy. At this stage there is no evidence that the fuel used by this boat while fishing in Australia will be subsidised by the EU. One question related to the estimates of global fuel subsidy and figures not specific to this vessel. It would seem unlikely that an Australian registered vessel would qualify for a subsidy from the EU. But there is no evidence either way that I can find.

The third question related to whether the trawler catch will result in fewer fish for the top predators in the ocean. The role of small pelagic fish in the food chain is an issue of concern for recreational fishers who argue that fishing on AFMA sustainable level terms will impact on the top predators, for example, tuna and billfish. AFMA has indicated that the top predator fish are not as dependent on the fish species as targeted by the SPF as they are on similar fish in other areas of the world. There is a wider variety of prey species in Australian waters. It might be useful to look at the 2011 report, *Impacts of fishing low-trophic level species on marine ecosystems*, which studied ecosystems in various currents in California, Northern Humboldt, North Sea, Southern Benguela, and south-east Australia. It talked about the relationship of the abundance in the ecosystem with the connectivity of the group in the food web. So it appears that from the study the impact of fishing both species was low in the Australian and Californian current ecosystems. There are other factors that influence the ecosystem effects. Therefore it has been argued that it is highly unlikely that local depletion will occur because the fish species are highly mobile and vary with the ocean fronts and currents. However, there is no specific research on stock movements for the SPF species. There has been research done on the stock structure and location and it does back up some of the other findings that there is sufficient stock available to move more than to fill the quota.

From the various documents I have sourced to try to answer concerns, it is very hard to argue that this ship will cause any impact on the fishery. AFMA has found no evidence that large boats pose a higher risk to either commercial species or the broader maritime ecosystem when total catches are limited and the limits are enforced.

The other issue is that there are a number of other companies that are fishing in this fishery, and whatever decision is made for one ship has to apply to the others. By the same token, all conditions that have been put on the commercial fishers apply to any new entrants into the fishery: all are scrutinised for their catches and fishing methods. So my concern is to try to deal with the real issue that we are looking at here, that preventing this ship from operating on the grounds that it might overfish or act illegally in some way would be unfair to the business operator and may leave the government open to legal challenge on various grounds. Every application for a licence has to be treated equally. That is the way our system works. That is the way the fishing regulations in Australia are structured.

Although I understand totally the concern of recreational fishers across the country, I think some of the concerns have been mischievously blown up and used to try to stop fishing everywhere—that might apply to recreational fishers too, especially into the future. I really
want people to understand that I am very pleased that people are taking such an interest in the
sea and are concerned about fish stocks and fishing sustainably, both commercially and
recreationally. I think that is a very good thing for the country. We need to be able to show
that we are fishing sustainably and that we know what is coming out of the fishery, what fish
are left, the age of those fish, what the egg counts are, that it is sustainable and when to
change quotas either down or up.

This bill is trying to deal with modernising the efficiency of the Australian fishing industry
and the regulatory processes through AFMA by getting it onto an e-monitoring process, so
that AFMA can use modern processes to communicate with the fishing industry. All boats
that go to sea now are registered, they all have monitors on them that transmit where they are,
where they are fishing, the fish that are taken and the bycatches. That is all recorded so that
we know and we can build up very good data for making good, sustainable fishing decisions
into the future. It is in the interest of everybody, including the fishers, people who work on the
fishing boats and recreational fishers who take fish from some of these fisheries as well, that
we have a sustainable fishery and that we have information recorded for research, and that we
continue to monitor and to make the right decisions about sustainable fishing in Australia. I
am very pleased to support this amendment bill which will modernise and make more
effective the process that we use in Australia, which is seen to be among the best in the world
for managing wild fisheries.

Mr BALDWIN (Paterson) (10:44): I rise to speak on the Fisheries Legislation
Amendment Bill (No. 1) 2012. The bill before us today implements some important
amendments to the Fisheries Management Act and the Fisheries Administration Act.
These amendments are designed to help facilitate more efficient data reporting through
electronic monitoring, or e-monitoring, and in doing so potentially realise cost savings to the
industry. The amendments will also help clarify interpretations of the Fisheries Management
Act and the Fisheries Administration Act. Accountability of corporations, concession holders
and their employees, directors and agents in relation to compliance and liability will be
clarified within the bill. The amendments to the bill will allow for emergency powers to be
introduced to partly close or close a fishery without stakeholder consultation in case of
emergency. The term ‘part of fishery’ as it relates to fishery closures will be defined. AFMA
will be required to write to stakeholders if the fishery or part thereof is closed. Amendments
further contained in this bill will also allow AFMA to waive levies applicable to statutory
fishing rights when they are surrendered.

The Australian commercial fishing industry is an important economic driver for Australia,
contributing billions of dollars to the national economy and employing and supporting
thousands of people and families in communities right across Australia. Not only is
Australia's fishing industry important to the economy but it is also an important sector for
Australian food security now and into the future. The effective management of Australia's
wild fisheries is essential to guarantee an economic and environmentally sustainable future for
the industry.

Australia has a marine area or Exclusive Economic Zone of approximately 10 million
square kilometres, two million of which are located in the Australian Antarctic Territory. To
put this into context, Australia's landmass is approximately 7.69 million kilometres.
Commonwealth fisheries are all fisheries in the zone outside three nautical miles to the 200-
nautical-mile zone. Management of this vast resource in its geographical nature has been problematic, to say the least. For example, there are some fisheries jointly managed between the states and Commonwealth, such as in the Torres Strait. Then there is the issue of migratory pelagic species that travel inside and outside our territorial borders—for example, southern bluefin tuna and yellowfin tuna, to name but two targeted commercial species. These fish are not subject to our management plans until they reach the Australian Exclusive Economic Zone.

There is an ongoing need to consult and work with other countries to ensure a uniform management plan for sustainability. Back in 1997, I attended the South Pacific fisheries forum at the time of the introduction of the superseiners into the Federated States of Micronesia. The superseiners all but wiped out large-scale migratory pelagic species. That country needed income and took the licence fee off the then American-flagged boats. The impact of that fishery was felt not just in the immediate area but across the broader Pacific.

The monitoring of vessels and collation of real-time data to better manage the fishery and regulatory enforcement have been inherently difficult and resource intensive. The difficulties of interception, detection and apprehension of vessels fishing illegally, both domestic and foreign, have been exacerbated with the deployment of assets to deal with all the arrivals of illegal immigrants.

Australia quite deservedly is globally considered a leader in fisheries resource management and training. As an island nation, we acknowledge the importance of fisheries resource management. We have achieved this through the Australian Fisheries Management Authority, AFMA, and state fisheries bodies. The Australian Fisheries Management Authority was established in 1991 to take responsibility for the efficient management and sustainable use of Commonwealth fish resources on behalf of the Australian community.

This bill will give provision under the Fisheries Administration Act 1991 to enable e-monitoring of vessels in certain fisheries. The collection and collation of catch statistics has been difficult and in many cases antiquated, relying on participants to report fishing activity. Traditionally information has been gathered through physical logbook returns, vessel-monitoring systems and human observers positioned on the vessels. This is an expensive exercise, costing the operator around $1,000 per day per vessel.

The e-monitoring system is an integrated data reporting system that will allow for a more concise, expedient and uniform management and compliance tool. The e-monitoring system will also include electronic recording of fishing related activity and includes the use of cameras, GPS and vessel-monitoring systems. Types of data that will be generated by e-monitoring include video footage of fishing and fishing related activities on the decks of boats, in the processing areas of boats or in the water, and data showing the location and identity of boats and the time that fishing activities take place. The cost of purchasing, installing and maintaining an e-monitoring system will be borne by the fishermen. It is expected the proposed system, compared to observer programs that cost in excess of $1,000 per day, will prove more cost effective and reliable. I would like to see the ongoing cost-benefit of this system as it relates to the impost on the fishery stakeholders. The cost impost of management on fishermen through licensing and compliance must be balanced and cost-effective.

The bill expressly authorises AFMA to collect e-monitoring data and creates offences for hindering the operation of e-monitoring equipment or modifying, damaging or destroying data
without the written authority of AFMA. The ability to collect comprehensive real-time information as it relates to individual fisheries will prove invaluable in the better management of Australian fisheries.

As alluded to by the member for Lyons, with this Labor government's plan to allow the FV *Margiris*, the world's second-largest supertrawler, into Australia to fish, these issues will be critical. Seafish Tasmania is bringing in this 142-metre trawler to Devonport and plans to have it fishing by the end of the month. Seafish has an 18,000-tonne red bait and jack mackerel quota which will be harvested in Commonwealth waters from Western Australia to the New South Wales coast. I am particularly concerned about the volume of bycatch that will be taken by this vessel. With monitoring systems, sounding systems and an understanding of fish migratory patterns, fishing can be much better targeted, but there is always the incidental bycatch, and that is what concerns me. As alluded to by the member for Lyons, there are concerns when you disrupt the food chain of fish up-line and down-line of that particular species. We remember very well the pilchard kill that occurred due to a virus, and there were impacts up the food chain from that. I do not think we need to create that purposely with our fishing, so e-monitoring, controlling and managing our fishery are critically important.

On that, I personally, along with the recreational fishing community—with whom I have regular discussions because they fit in as part of my tourism portfolio—and my constituency in the Hunter Valley remain to be convinced that the science is up to date and accurate. I refer to the impact of the orange roughy fishery, where the initial science was fundamentally flawed. The fishery was overfished, which had devastating impacts. Fish are not like sheep or cattle, which are on the land and you can herd them up and do a direct headcount to know exactly what is there. There are a lot of assumptions in fisheries management, and, no matter how detailed the assumptions are about fish stock, at the end of the day they are still assumptions.

With regard to compliance and enforcement, the bill before us today will allow for expedience in dealing with compliance breaches and allow AFMA to use e-monitoring certificates as prima facie evidence in court proceedings. There have been great technological advances in GPS, surveillance and reporting technologies in terms of their reliability and their accuracy, but it would be remiss of me not to draw attention to the importance of the ongoing validation of these technologies, not only in assuring reliable and accurate data collection but also in preventing misuse and/or criminal activity.

The bill seeks to amend the Fisheries Management Act so that corporations or other persons can be held responsible for the unlawful conduct of masters of the vessels and the crew unless company directors demonstrate that they have exercised precautions and due diligence to prevent breaches. Like any industry, there is a component of criminality that exists. This criminality can jeopardise not only the fishery, through unreported takes, but also the long-term economic sustainability of stakeholders. This amendment will hopefully act as a deterrent for unscrupulous operators, owners who might have otherwise conducted illegal fishing practices but avoided prosecution. I, along with all of my community, fully support any measures that can bring those engaging in illegal fishing activities to account. That includes directors, corporations and masters. If AFMA is to use evidentiary certificates generated by e-monitoring, the legal implications must be considered. Systemic inaccuracy and system anomalies could invalidate the monitoring system—therefore posing a legal
recourse for breaches in compliance and potentially negate pending and past convictions or actions—and corrupt scientific data. The e-monitoring system has been trialled in the gillnet, hook and trap sector and has been used as evidence. However, at this point the prosecutions have not been completed and therefore we are unsure how the system data will stand up to legal scrutiny.

The bill will make provisions for AFMA to close or partly close a fishery in the instance that an emergency is classified. The bill will allow for this closure to be enacted without the consultation of industry stakeholders. As I said, a good example of that was where masses of pilchards were killed, affecting the food chain overnight. I raise my concern that the removal of industry consultation must only be considered in the extreme. The ongoing consultation of industry stakeholders is an essential part of developing a strategic plan that the industry will embrace and work with. This mechanism is designed to ensure the economic and ecological viability of the said fishery where an ecological, biological or man-made threat jeopardises the fishery. This could manifest itself as an oil spill, or an unexpected biomass crash, as I said earlier in relation to the pilchards.

I support this measure in the context that this power enacted by the bill will be used by AFMA and the minister in the spirit that it was designed for. Careful consideration must be given to the impact of a closure or part thereof on relevant stakeholders. Closures must be based on validated and unbiased scientific data, and the power to close a fishery without consultation must be based on an imminent threat to or catastrophe suffered by the fishery. This provision cannot be used as a divisive political tool, as occurred with the closure of our live beef exports.

Statutory and discretionary powers to close or limit commercial activity in any sector should be administered with extreme caution and only be entered into with a fully informed understanding of the implications that such closures can have. Unfortunately this has not been the case, as was clearly demonstrated when Minister Ludwig made the decision to shut down overnight the live cattle export industry to Indonesia. I do not need to remind anyone that that is the same minister who has responsibility for the fisheries portfolio. The impacts on cattle growers and associated industries and communities have proven catastrophic. The industry had taken years to develop, employed thousands of people in rural and remote areas and was a key economic driver for regional Australia. The long-term impacts to rural Australia and the ongoing viability of the industries involved are still being felt and are yet to be fully realised.

The knee-jerk closure of the cattle export industry has demonstrated the initiation of similar powers to these fishery measures based on political agendas and not on impartial consideration of the facts or the economic and social ramifications. The Australian fishing industry has copped it hard through disjointed and inconsistent policy and management at both state and federal levels. The economic potential and development of the industry are yet to be realised. Many world fisheries are suffering or are unviable due to historically poor management practices, lack of enforceability and in some cases the total absence of management altogether.

The interpretation of emergency and protocols warranting emergency closures needs to be clarified. The implementation of emergency closure directions should not be used as a policy mechanism without up-to-date and accurate scientific evidence. Even though emergency closures would be subject to parliamentary scrutiny, the implementation of these discretionary
powers could have adverse economic implications for affected stakeholders. I would like to be assured that AFMA as the independent regulatory body will develop strategies based on factual information and will not be manipulated by political agendas that are not in the best interests of fisheries. The Australian fishing industry is facing many challenges, and these and other issues need to be considered. (Time expired)

Mr CHRISTENSEN (Dawson) (11:04): While the coalition does not oppose the Fisheries Legislation Amendment Bill (No. 1) 2012, I personally do have some concerns about it. Those concerns are partly about what the legislation contains and partly about what it does not contain. My concerns arise from this government's highly negative approach to fisheries management. It is about control and it is about contraction. It is about stifling people's livelihoods and squeezing freedoms to shape the Australian lifestyle to fit the government's own misguided perceptions—and the misguided perceptions of their fellow travellers, the Greens.

The government's approach is partly evident in this bill. I do not know that there is one piece of legislation that has come to this House under this government, in the life of this parliament, that promotes growth in the fisheries sector, either in wild catch or in aquaculture. Actually, I am not sure that this government has brought any legislation to this place that promotes growth in any industry. Instead, this bill provides another level of red tape, complete with its own financial and compliance burdens which this time include criminal sanctions. It is another law that is going to impinge on not only recreational but also commercial fishermen, those who are trying to make a living and are really struggling under the current amount of legislation and green tape that already oppresses the sector. I know that this concept of moving to e-monitoring is about better data collection, and in one sense that is a good thing. But I do worry about what AFMA will do with the data, where else this data might end up and what it might be used for in the long run.

To the Liberal-National coalition's great shame, we presided over the closure of many great commercial and recreational fishing spots in the Great Barrier Reef. If I had been in this place at that time, I would have crossed the floor when that decision was made because of the impact that it had on the economy and the lifestyle of North Queensland. That decision was made by government agencies after getting hold of data that the fishermen provided in good faith to those agencies. The fishers provided information on where the good fishing spots were, where their catch was coming from, and that information was promptly used to lock out those very same fishermen from those very spots.

The Parliamentary Secretary for Agriculture, Fisheries and Forestry, the member for Braddon, who introduced this legislation into the House, recognised the importance of the fishing industry in his second reading speech. He said:

Commercial fish catch contributes more than $2 billion per year to the Australian economy. Processors, marketers, retailers, consumers and many allied small businesses benefit directly or indirectly from the industry and increase its contribution to the economy.

And he is right. He is completely right: it is an important part of the economy, particularly regional economies. We have towns like Bowen, in my electorate of Dawson, and Cairns where fishing plays a big role in the local economy and the local community. But then, in the parliamentary secretary's speech, came the big green fist:
… Australians expect species that are valuable to the economy will not be over exploited. Accurate scientific data is essential to set catch limits on species to protect their status and maximise the economic returns to Australia. Furthermore, Australians expect that threatened, endangered and protected species, such as sea lions, dolphins and albatrosses, as well as the marine environment, will be protected from damage.

That is fine that Australians expect that. But this government should not be further adding to the problem that we already have in the community, and that is the problem of false perceptions. At this point, I want to quote the Chair of the Fisheries Research and Development Corporation, the Hon. Harry Woods. This is taken from the transcript of his evidence to the inquiry into the role of science for fisheries and aquaculture which is currently being conducted by the House of Representatives Standing Committee on Agriculture, Resources, Fisheries and Forestry. I will quote him at some length:

Fishing in Australia is vibrant in some areas and pretty depressed in other areas. We think as a board that in overall terms the fishing industry in all its forms is at a sustainable level. It is well managed—not that there cannot be improvements—and, more than that, we believe the people of Australia want to eat fish. They want to eat Australian fish. We consider that kids at school did not know where yoghurt came from—it was grown on trees—and it is a similar story with fish. You get people in Glebe in Sydney or the inner suburbs of other cities eating fish but saying they do not believe it is sustainable. We have had some surveys that say that there is a large percentage of people who do not believe the fishing industry is sustainable, which is not in accord with what we think.

He means the Fisheries RDC. He goes on:

They are the sort of issues we are confronting. We do have a new strategy this year promoting the research, not the product, so that people have a better understanding of some of the issues and are not as easily believing of some of the myths that might appear in the media. We are actively trying to counter some of those myths.

This is what the Chair of the Fisheries RDC, the government funded and government backed research and development body for the fishing industry in Australia, says. He represents scientists who are in the field in this industry. They say that every wild catch stock in Australia is sustainable, and the perception that it is not is as false as the perception that yogurt tubs grow on trees. But any disconnect with the general public is no excuse for the government to be completely out of touch with reality and to perpetuate the myth. The Parliamentary Secretary for Agriculture, Resources, Fisheries and Forestry is playing on those same false perceptions in the community that are detrimental to our fishing industry. Not only does the Fisheries RDC think that the current level of fishing is sustainable but also they believe that fishing production can grow. Mr Woods said at the same inquiry:

We think there are opportunities to increase production in all the sectors of the fisheries.

All sectors. So why are we not growing this industry? Faced with this so-called two-speed economy, this government wants to tax the strength of the economy to death rather than foster growth in the slower lane, even when the opportunities are there. What stifles growth in the fishing industry is the government reacting to these false perceptions, in fact fostering these false perceptions in the community, that stocks are somehow under threat. Dr Patrick Hone, the Executive Director of the Fisheries RDC also spoke to the standing committee's current inquiry. He said:
… we have the situation now where the bottleneck is not necessarily around the science; it is around some of the policy decisions around how that science can actually be implemented.

To paraphrase him, he said it is not the science, it is the policy interpretation of that science. More science, more data—yes, that would be helpful to have, but it is not what is required to grow the sector. What is required is better understanding, better policy decisions and better and less punitive use of the data when it does come out from the industry.

One of this government's policies that will have a great impact on the livelihoods and lifestyles of both recreational and commercial fishermen in this country is the marine park closure plan. In particular I refer to the Coral Sea Marine Park plan. It is an absolutely insane proposal that will lock up vast tracts of water from our fishing industry when the government backed research body says no unsustainable practice is taking place.

Mr Snowdon: On a point of order, Mr Acting Deputy Speaker: I remind the member for Dawson to speak to the bill. He is not speaking to the bill.

Mr Hunt: He absolutely is!

Mr Snowdon: I ask him to address the legislation before us and not go on some frolic around the Coral Sea.

The DEPUTY SPEAKER (Mr Mitchell): I call the member for Dawson.

Mr CHRISTENSEN: This is an absolutely insane proposal which is to do with the legislation. We are talking about monitoring the fishing industry and the data we can get from the industry. Yet this proposal we have is not based on any data whatsoever. It is going to lock up vast tracts of water from our fishing industry when the data, the science, the people from the government backed research and development body, say there are no unsustainable practices taking place in this country. Locking up the Coral Sea, an area half the size of Queensland, is a perfect example of dumb policy that has ignored science, ignored data and reacted to misguided perceptions about the sustainability of our fisheries.

I was at the Australian Institute of Marine Science the other day talking to a few scientists, including Dr John Gunn who heads the research facility there. I said to him: 'John, tell me about this Coral Sea proposal and what the science behind it is from your point of view.' His view is that there is very little, that we do not have a great understanding of what is out there and therefore we do not know what needs to be conserved, and therefore any push to conserve it is based on no information whatsoever. That was the view of the Australian Institute of Marine Science, another government backed body. What has driven this policy is not science but the radical green American group called Pew. That is where this government is getting its policy advice from. The lockout is not proposed because the fishery in any area of this country is unsustainable. It does not come because species are endangered; there is not one single species that is endangered. It does not come because there is any damage to any reef or any impact on the marine environment at all. In fact, in promoting the closure the government itself says the area is in pristine condition. This closure comes only because the American green organisation Pew said they want the government to do it. They would not do the same thing in American waters, I notice. In *Fishing World* magazine there was an article on 29 June this year which said:
The US-based anti-fishing organisation Pew has admitted that it pressured the Australian Government to lock anglers out of vast areas of the Coral Sea but would not take the same action in American waters because it would harm the US economy and disadvantage local fishermen.

I tell you what, they came to the right government if they wanted to harm local fishermen here and disadvantage our economy. Confirming that what was good for Australia was not good for America, Pew's director of federal fisheries policy, Lee Crocket, went on to say that closing the Gulf of Mexico to fishing would not make sense because those waters were 'a major US economic driver'. So it really does not matter how much e-monitoring you have, the facts are on the table for the government to see in relation to fisheries management.

I quote another scientist here, marine biologist Walter Starck. I want to talk about the Coral Sea for a split second. He says that the fishery harvest rate we have here in Australia is actually one-30th of the global average. He points out that Australia has got the largest per capita fishing zone and the lowest fisheries harvest rate in the world. We have got the most restrictive and costly marine resource management in the world. No marine species in Australia is threatened with extinction by fishing, and that is backed up by the Fisheries RDC, and there are already some protections in place for a lot of Coral Sea islands and reefs. When you look at the Coral Sea itself, again quoting from Walter Starck in the report he has done, he says that the Coral Sea is one of the world's prime yellowfin tuna fishing grounds. We produce a few hundred tonnes from the Coral Sea where Japanese fishermen have previously produced around 30,000 tonnes annually for many years. The border of this Coral Sea is in conjunction with PNG's EEZ, the exclusive economic zone they have. Fish, as has been said before, are not like cattle where you can herd them into a certain area. They swim and they do not see lines on maps, so they swim right across the line that the government might want to put on a map and they swim into PNG waters. PNG license Asian fishing companies to fish those same migratory stocks in their waters. They currently catch about 750,000 tonnes of tuna while all of Australian tuna fisheries amount to about 15,000 tonnes. We import some $165 million worth of canned tuna into this country every year. We save our fish so that the fishermen in other countries can catch it and sell it back to us. It is crazy.

So it does not matter how much data you collect, it does not matter how much you have or how much science, because this government simply will not take it into account. Rather than listen to the science, rather than look at the data, they listen to extremist organisations from the other side of the world and their mates in the Greens.

Mr HUNT (Flinders) (11:19): In addressing the Fisheries Legislation Amendment Bill (No. 1) 2012, I am delighted to offer the opposition's support. This bill essentially does two things. Firstly, it opens up the potential for comprehensive electronic monitoring of fisheries catch and processes. What that means in practice is that it offers the potential (a) for better knowledge, (b) for faster knowledge, but (c) for decreased costs for the fisheries community. People would say, 'How can that be the case?' It is because of the cost of observers who will be on board vessels, which ultimately is largely passed through to individual fishers. That means, at a cost of potentially $1,000 a day for an observer, we can, in relatively short order, remove and rebate the effect of having to build in the e-monitoring capability. Therefore there is greater reliability and reduced costs in the medium term at the very least and certainly in the long term for fishers, and that is a good thing. So we have better, faster information and ultimately a more efficient approach, which should be good for fishers.
The second thing the bill does is to give AFMA the potential to waive levies for fishermen under certain circumstances. That is a good thing. It is all about recognising the circumstances of individual fishers. I have dealt with AFMA on behalf of my local shark fishers at San Remo over a number of years. There have been elements of process where, frankly, I have to say that I think there has been a great degree of inflexibility and lack of recognition of circumstances on the ground. In particular, Steve Brockwell has been a community leader in the fishing community at San Remo and his work ought to be commended. On some occasions it has been a little bit like The Castle—he has been taking on the great authorities and on most occasions he has won. At the moment he has concerns about activities which would allow for a change in net size, which would disadvantage local fishers and potentially have impacts on the environment.

That brings me to two other issues which are absolutely fundamental to our approach to this bill. In good faith, we give our support to the Fisheries Legislation Amendment Bill (No. 1) 2012. However, we feel there has been bad faith towards the recreational fishing community with the way the government has dealt with its wholesale blanket bans on fishing in certain marine protected areas, or the plan to list all marine protected areas. Dean Logan of the Australian Marine Alliance has spent a lot of time working with the government and the opposition. He is a very credible spokesperson. His view has been that there has been no real opportunity for the fishing community to have a say. There has been a sham consultation but no dialogue, no engagement where their views are taken on board. I saw this with the blanket bans that were applied to the New South Wales coast under the previous minister for the environment. They were subsequently removed, and I can see the same mistakes occurring again. In government, we would review this process on a science-based analysis looking to the areas where we need to protect breeding grounds rather than wholesale lockouts of the fishing community. Let me be clear, precise and absolute on that.

The flip side, of course, is the diversity—this brings me to the third point—where recreational fishers are being locked out, but the super trawler Margiris is being invited in. I have looked pretty closely at this issue and I know there is a healthy debate. But what we see there—whether it is the Tasmanian tuna fishing association, Professor Daniel Pauly of the University of British Columbia or Dean Logan of the Australian Marine Alliance—is a deep concern that the intent of this bill is being undermined by the Margiris decision and the Margiris decision is in completely the opposite direction from the treatment of domestic recreational fishers.

The facts are that there will be a 300-metre-long net, 80 metres by 35 metres wide at the opening. When a smaller version was used in 2004, 14 dolphins were caught. There is still a risk to dolphins and seals, even though there has been an improvement in the technology. We say that there needs to be an independent scientific panel to assess the impacts over and above what has already occurred. This should be an independent scientific panel to assess the sustainability of the Margiris super trawler in Australian waters. It comes as the same time as recreational fishers are being locked out.

Against that background, we are happy to show good faith and support this bill, but we do not believe that the government is showing good faith to recreational fishers. It must appoint an independent scientific panel in relation to the Margiris.
Mr SNOWDON (Lingiari—Minister for Veterans' Affairs, Minister for Defence Science and Personnel, Minister for Indigenous Health and Minister Assisting the Prime Minister on the Centenary of ANZAC) (11:25): Firstly, I thank those people who contributed to the debate: the member for Flinders, who is leaving the chamber, the member for Paterson, the member for Calare, the member for Lyons and the member for Dawson. I cannot say that I agree with much of what the member for Dawson said; I am not sure if he is actually supporting the legislation or not. Really, the remarks I heard from him did not address any aspect of the legislation. Some people use this place to go on a frolic, and that is what he did.

The Fisheries Legislation Amendment Bill (No. 1) 2012 is an important step in improving data collection for fisheries through the introduction of electronic monitoring, e-monitoring, on Commonwealth fishing vessels. Australian fisheries are a valuable natural resource, as you would know, Mr Acting Deputy Speaker, and must be carefully managed to ensure sustainability. After all, the commercial fish catch contributes over $2 billion annually to our economy. E-monitoring is a cost-effective way of collecting high-quality data on fishing and related activities, which was quite effectively summarised by the member for Flinders. It includes the impact of fishing on target and non-target species and on the maritime environment. E-monitoring will also generate data with which to monitor compliance with relevant laws. I am sure that is something upon which we will all agree, even the member for Dawson. E-monitoring will complement other monitoring techniques such as observers and logbook reports. We expect it to reduce the cost to fishers and to the Australian Fisheries Management Authority, AFMA, of monitoring and managing fisheries.

The bill will allow AFMA to fully utilise e-monitoring as a monitoring and data collection tool and includes a number of provisions to make sure that the e-monitoring scheme is effective, transparent and administratively efficient. The bill also makes minor amendments to make the legislation clearer, more consistent and simpler to administer. This includes amendments to state clearly the obligations upon AFMA when making directions to close fisheries. Given the comments of those opposite, I would have thought that would be very important. It will also help to ensure that corporations and other principals can be held responsible for fisheries offences committed by their directors, employees and agents. Again, something I would have thought would be universally applauded across this parliament. Finally, it will allow levies to be waived when statutory fishing rights are surrendered—an issue that I would have thought would have common support. I might say that it was not addressed by the member for Dawson, although it was addressed by the member for Flinders.

The measures introduced in this bill are important steps in bringing modern monitoring technology to Australia's fisheries and in enabling AFMA to implement efficient and cost-effective fisheries management.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.
Mr DUTTON (Dickson) (11:29): I rise to speak on the Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012. The Extended Medicare Safety Net established by the previous coalition government assists Australians with high out-of-pocket medical expenses. For those who have eligible expenses above the relevant thresholds—$598 for concession card holders and $1,198 for all others—the safety net provides 80 per cent of any additional out-of-pocket costs for the remainder of the calendar year. This is of enormous assistance, especially for families already burdened by rising cost-of-living pressures under this government. The EMSN was one of a suite of measures introduced by the coalition to improve the affordability of health care. The coalition's Strengthening Medicare initiatives increased GP Medicare rebates to 100 per cent of the scheduled fee, provided bulk-billing incentives, increased rebates for GP after-hours attendances and rebates for practice nurse services.

The private health insurance rebates dramatically improved the affordability of health care for millions of Australians through 30, 35 and 40 per cent rebates for respective age groups. Accordingly, we saw a 75 per cent increase in private health insurance coverage. Importantly, there was also a significant Commonwealth investment in public hospitals during this period. According to the Australian Institute of Health and Welfare, Commonwealth government expenditure on public hospitals increased by more than 110 per cent between 1995-96 and 2006-07. So the EMSN was important and was a very important component of a broader strategy to improve the affordability and accessibility of health care for all Australians.

In the lead-up to the 2007 election, Labor claimed it would honour the safety net and the support it provided to families. The then opposition leader Kevin Rudd and shadow health minister Nicola Roxon stated, on 22 September that year:

With about one million people each year receiving some cost relief from the safety net, federal Labor will not put more pressure on family budgets by taking that assistance away.

It only took until the budget of 2009 for Labor to renege on those promises. In that budget, Labor proposed to cut around $610 million from the extended Medicare safety net by capping item numbers for a range of services, including obstetrics, assisted reproductive technology, treatment of varicose veins, the injection of a therapeutic substance into the eye and cataract surgery. The government attempted this cash grab without consultation. The then president of the AMA summed up the concerns of many in this debate about the then minister's 'tendency to use the politics of envy and some vilification'. Instead of a mature and reasoned argument and genuine engagement with affected parties, the minister resorted to just blaming, in her words, 'greedy doctors'. Fortunately, given the composition of the Senate at that time, the coalition was able to achieve some very important concessions for patients.

The government was forced into negotiations with key patient groups and the profession. The coalition's action resulted in an increase in Medicare rebates, increases in the proposed caps and the addition of new items, particularly in relation to IVF. The government's targeting of macular degeneration patients in its original proposals was particularly alarming and ill-conceived. This would have resulted from the capping of item numbers for injections into the eye and was an attempt to shift the cost of treatment from government to vulnerable patients, many on fixed incomes. Macular degeneration is the leading cause of blindness in our country, causing 48 per cent of severe vision loss. It affects one in seven Australians over the age of 50, with the incidence increasing with age. At the time of this proposal, treatment of
macular degeneration with Lucentis was only available in a limited number of public hospitals. It was not available at all in New South Wales public hospitals and the patients who could not afford the increased costs may have stopped treatment and risked blindness. Importantly, the coalition was successful in preventing the capping of the item number and providing a reprieve for these vulnerable Australians.

Given Labor had already broken its promise on the EMSN, the coalition also successfully moved an amendment to provide greater scrutiny of any future changes to the caps. It requires that any ministerial determination to change the caps must be provided by resolution of both houses of parliament. Ultimately, the review of the capping arrangements did show that out-of-pocket expenses have increased for patients for those items that have been capped—that is, there has not been a consistent commensurate decrease in doctor's fees. It is important to note that average patient contributions per service have increased by more than 20 per cent since 2006-07. The review specifically found that, for assisted reproductive technology, out-of-pocket costs rose substantially for those women who accessed stimulated cycles. The median out-of-pocket cost for stimulated A cycles increased from $950 in 2009 to $2,000 in 2010. Women who accessed frozen or donated embryo cycles saw out-of-pocket costs increase from $330 to $950 over the same period. Similarly, for obstetrics it was found that out-of-pocket costs increased markedly. For both normal and complex pregnancies the median out-of-pocket costs increased by $1,000 or 50 per cent, whilst the 90th percentile out-of-pocket costs doubled. This vindicates the coalition's position of forcing the government into negotiations to mitigate the impact on patients of some of their original proposals. However, it is only one of many cases where Labor has attempted to raid patients' pockets to bankroll their own fiscal incompetence. It drives policy in health which is not about better health outcomes but about trying to patch up black holes. We saw the completely arbitrary 50 per cent cut in the Medicare rebate for cataract surgery. Again, this would potentially have left older Australians—mostly on fixed incomes—hundreds of dollars out of pocket for this incredibly important procedure. Through multiple disallowances the coalition was able to force Labor to the negotiating table with patient groups and the profession. Ultimately a compromise position was reached. The whole complicated and unnecessary process, which dragged on for months and caused enormous stress to thousands of patients, could have been avoided entirely through initial consultation and mature, competent administration. We have seen it again with cuts to the private health insurance rebates and the incredible decision to defer listing medicines on the Pharmaceutical Benefits Scheme for fiscal reasons, not for better health outcomes. We still have no certainty that medicines will not again be deferred in the future.

At the same time, it is worth noting, that Labor has committed billions of dollars to the establishment of around a dozen new bureaucracies. The coalition has consistently argued that, in this regard, the government's priorities are entirely wrong. Funding should be targeted to patient services and ensuring the affordability of health care, not to creating new bureaucracies. The bill before us today makes further amendments as a result of the caps that the government has put in place. In her second reading speech the minister stated that there was a need to 'close a loophole' in how the EMSN operates. It seems that this is an issue that should have been addressed when the caps were enacted but, given the legislative chaos caused by the government's handling of the changes at the time, it is certainly not surprising that some mopping up is now required. The bill will allow caps on benefits under the EMSN...
to apply when more than one Medicare service is performed on the same patient on the same occasion, and they are deemed to constitute one professional service. Examples of a deemed service that have been provided include a patient who is having varicose veins treatment in both legs and medical expenses for administering anaesthetic for multiple operations on one occasion. These situations currently fall under section 15(1) and section 16(4) respectively of the Health Insurance Act. Section 15 provides that in calculating the Medicare benefit payable for two or more operations covered by an item and performed on the one occasion on the one person amounts other than the greatest shall be reduced by half and the other amounts reduced by three-quarters. As the minister indicated in her speech, this is in recognition of the efficiencies of providing multiple services at one time.

The bill limits the Medicare benefit payable under the EMSN for a deemed professional service to what would apply to the constituent items of service—that is, the EMSN cap that will apply in such circumstances will not exceed the sum of the caps that would apply to the individual Medicare items. Whilst we will continue to monitor the consequences for patients of the changes the government has made, the bill before us does address an anomaly rather than create additional changes to policy. The bill also removes the requirement that families confirm in writing the composition of their family for the purposes of the EMSN. Clause 3 states that, instead, notification is to be provided 'in a manner approved by the chief executive of Medicare'. It is argued in the explanatory memorandum that this will allow a more streamlined process and ensure faster payment of safety net benefits to patients.

The coalition does not oppose the changes in the bill. We will, however, continue to apply appropriate scrutiny, especially to the administration of policies affecting patient services. The Labor government has undermined confidence in key pillars of our health system not just by the process in which they have made changes to policy affecting the EMSN but through its changes around Medicare rebates, the PBS and private health insurance, to list but a few. The coalition will continue to work closely with those affected by the government's actions in the portfolio to ensure there is accountability and to offer a stable, competent alternative.

Mr BALDWIN (Paterson) (11:39): I rise to speak on the Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012. Medicare is the cornerstone of our nation's health needs, in particular for those who live in my electorate of Paterson. It provides access to health treatment for millions of Australians who otherwise would not have access due to affordability. In 2011-12 expenditure on Medicare benefits totalled just over $17.6 billion, making it the fourth most expensive Commonwealth government program. However, advances in medical technology and an ageing population mean that health costs can be expected to rise far faster than the average cost of living increases. One of the reasons the coalition oppose the government's changes to the Private Health Insurance Rebate Scheme is the potential increased burden on public health services. This is a particularly salient issue for my electorate, which has a higher than national average of retirees, many of whom are reliant on access to local health services, and they are not wealthy.

It was the Howard government that established the extended Medicare safety net, or EMSN, and it did so to provide further additional help on top of the existing original Medicare safety net. It was established for those Australians and their families who incurred high costs above the Medicare schedule fees for out-of-hospital services, the difference between the health professional's charge and the Medicare rebate being the patient's out-of-
The level of the rebate was set at 80 per cent and covered any further out-of-pocket expense for out-of-hospital costs on a calendar year once the relevant thresholds had been met. At the beginning of this year, for concession holders and families whose income levels entitled them to family tax A the threshold was $598. Other Australians faced a threshold of $1,198.

The party opposite are fond of claiming the mantle of being the party of Medicare, but their approach to the extended Medicare safety net seems to be rather haphazard under this government. As the Kevin 07 election approached—do you remember that?—there was optimism and excitement that they were going to be on the benches. They had been out of power for so long, they thought government was easy. Now after making mistake after mistake and backflip after backflip—most recently this week—the litany of failure, ineptitude and broken promises has begun to stare them in the face. Under the Howard government there was a policy in place to ensure that Australia had protected borders and there was an orderly process for refugees. It took five years for the government to reverse their border protection policy error and realise that government involves hard choices. It is not simply about platitudes or changing your leader when the times get tough.

As I was saying, at the 2007 election Labor claimed that it would honour the safety net, that it would not put pressure on family budgets and that the then shadow minister for health, Nicola Roxon, would not take any assistance away. I think it was at the same time that they were promising they would help the Australian people with their fuel and grocery bills. Who can forget Grocerywatch and Fuelwatch? What rippers of successes they were! They promised to put downward pressure on the cost of living. Hard choices are required; hard decisions are needed to be made. After promising to honour the safety net in 2007, not two years later, in the 2009 budget, they proposed to cut $610 million from the extended Medicare safety net. In came the caps for a range of services, and these included obstetrics, assisted reproduction technology, treatment of varicose veins and, in particular, one that has massively affected my electorate, the injection of therapeutic substances to the eye and cataract surgery. As I said, I have a rapidly ageing, high age demographic in my electorate and eyesight is particularly important to them. This measure was going to affect my constituency. What was more amazing, and typically arrogant of this government, was that these changes were announced without any consultation. The government clearly was surprised by the storm of controversy that this break of their election promise to honour the safety net generated amongst patient groups and health professionals.

You would have thought that this breach of promise was something that the Prime Minister might have wanted to learn from and avoid, but then again at the last election we heard the Prime Minister say, ‘There will be no carbon tax under a government I lead.’ Say one thing before an election; do an entirely different thing after an election—and just blow the constituents. The constituents do not really matter to the Labor Party; to them it is all about being in power.

But, thankfully, on the EMSN the government has finally started to listen to the health sector, after being forced into negotiations. The coalition has secured some important concessions to ensure the passage of this bill through the Senate. These concessions include increases in Medicare rebates, increases in the proposed caps, and the addition of new items, in particular in relation to IVF. The coalition was also successful in preventing the capping of
the item number for injections into the eye, which would have been detrimental to patients requiring treatment for macular degeneration. This is a concession that many in my electorate of Paterson are very grateful for. In my electorate, I took more constituency representations on this issue than any other health issue, such was the importance of this to my constituency.

As a member of the opposition, I believe that it is our role to hold this government to account. After the government's breach of promise on the EMSN, the coalition was not prepared to give it the benefit of the doubt, which is why, as part of the EMSN concessions, we introduced an amendment requiring any ministerial determination to change the caps to be approved through a resolution of both houses of this parliament. An independent review, conducted by the Centre for Health Economics Research and Evaluation showed that the EMSN had led to an inflation of doctors' fees in some areas, leading to a situation where the doctors' incomes had risen more than the reduction in patients' costs. This had led to an unsustainable growth in EMSN expenditure. The review showed that out-of-pocket expenses had increased for patients for those items that had been capped.

In this amendment bill, the government is seeking to make further changes to those it had already put in place. They include the capping of all GP, specialist and allied health services consultations, 38 selected procedures and one ultrasound item. If the government had understood its own legislation and had foreseen the changes back in 2009, it would not need to be making further changes to the EMSN now. This appears to be as a result of an error or an omission within the original bill enacting caps to benefits for the EMSN. However, the coalition is not seeking to oppose this bill. The proposed provision that, when more than one Medicare service is performed on the same patient on the same occasion, it should constitute one professional service and a cap under EMSN would seem to be a very sensible one.

I also welcome the removal of the requirement that families have to confirm in writing who members of their family are for the purposes of the EMSN. With this amendment, they will be able to notify Medicare in other ways approved by the chief executive of Medicare Australia. The only concern regarding this provision would be that there are structures to ensure that adequate identification and privacy issues are in place. I also note that this bill limits the Medicare benefit payable under the EMSN, so that the EMSN cap does not exceed the sum of the EMSN caps that would apply to the individual Medicare item. Furthermore, I see that the party opposite claims that this amendment bill will allow 'a more streamlined process and ensure faster payment of safety net benefits for patients', and that that should lead to a saving of $79.6 million. I hope this will be the case, but forgive us on our side of the House if we are not prepared to take the word of those opposite at face value. We will continue to hold this inept government to account. We are watching the changes carefully, for this government's record should not give Australians confidence that this government's claims will always be matched by its deeds.

Paramount in all of this is the provision of health care to our constituents. The legislation and actions of this government have been detrimental to the health care of my constituents. I, like my colleagues on this side of the House, will not stand by and allow that to happen.

Ms PLIBERSEK (Sydney—Minister for Health) (11:49): I want to respond very quickly to what the member for Paterson and the shadow health minister have said in this debate on the second reading of the Health Insurance Amendment (Extended Medicare Safety Net) Bill 2012. It is pretty interesting hearing the member for Paterson, as part of a party that destroyed
Medicare, claiming to be a great defender of it—not once but twice we on this side of the House have had to introduce Medicare. Talking about the health care of his constituents, no government has invested more. No government has invested more in hospital services; no government has invested more in primary care; no government has invested more in training doctors and nurses and allied health professionals. When we look at the record of the previous government, including when the Leader of the Opposition was the health minister, we see that there were caps to GP training places, there were too few health professionals, there was $1 billion taken out of hospitals, in contrast to the $20 billion we have put in. We can see their record. You have only to look at the states and territories, as well, to see the record of Liberals when it comes to cutting health services rather than investing in them.

The shadow minister was talking about bulk-billing and Medicare services. Bulk-billing has never been higher than it is now. We hit a GP bulk-billing rate of 81.2 per cent in March this year. In 2003, when the Leader of the Opposition was the health minister, bulk-billing was at a historic low of 67 per cent. As a government, we spend about $17.64 billion on Medicare benefits—that is the 2011-12 figure—an average of $784 in Medicare benefits for every Australian. Bulk-billing rates are higher under us because we have invested in the system. Since 2008 we have invested a record $2 billion to drive up bulk-billing rates with incentives for GPs, pathology, diagnostic imaging and telehealth services. It is also worth reminding ourselves that the average GP receives over $300,000 from Medicare each year. Over the past 12 months we have expanded Medicare to provide rebates for nurse practitioners and midwife and telehealth services.

The Extended Medicare Safety Net exists to give extra help to patients with high out-of-pocket medical costs. While the vast majority of doctors do the right thing, unfortunately some providers have exploited the extended Medicare safety net to increase their fees in excessive ways. For example, for a standard GP consultation of up to 20 minutes in length 99 per cent of services had a fee of less than $90, but some providers have charged $5,000 and one provider has charged $8,000. The member for Paterson mentioned anaesthetic for cataract surgery: for services out of hospital, the top 10 per cent of fees increased from less than $500 to nearly $2,000 in the space of one year—between 2009 and 2010. For electrocardiography—heart tests—81 per cent of services had a fee at or below $30.65; one provider charged $800. Removal of skin lesions without biopsy: 82 per cent of services had a fee at or below $33.35, but one provider charged $3½ thousand. The Extended Medicare Safety Net is a government benefit intended to help patients; it is not intended to subsidise excessive fee charging. I make the point also that the measures we are discussing today have had support from the vast majority of doctors and health professionals, who are doing the right thing and who see the importance of sustainability in our Medicare system. The AMA President, Steve Hambleton, said:

The changes to the Extended Medicare Safety Net (EMSN) appear to have been based on clinical and economic evidence and do not involve services or procedures that are regularly required by families.

The Consumer Health Forum Chief Executive Officer, Carol Bennett, said:

We can't expect wrinkle reduction, eye lifts, nose and ear jobs to be subsidised by taxpayers.

And Arthur Karagiannis, the President of the Australian Society of Ophthalmologists, whose members are actually affected by these rules, said:
Patients suffering macular degeneration now have peace of mind that they will have ongoing access to what is becoming an increasingly common procedure.

I thank members for their contributions to the debate on this bill. More than ever, we need to make sure that every precious dollar of our health investment is used as it should be. We are being guided by the evidence and we are investing wisely. We are finding efficiencies and we are returning those benefits to patients. Where the evidence says that things are not working, the government has done things differently and the bill before the House is part of that. We have looked at the evidence on how the Extended Medicare Safety Net works, and it says that we need to close a loophole to protect the integrity of the system.

The Extended Medicare Safety Net provides individuals and families with an additional rebate for their out-of-hospital Medicare services once an annual threshold of out-of-pocket costs is reached. Once the relevant annual threshold has been met, Medicare will pay for 80 per cent of any future out-of-pocket costs for out-of-hospital services for the remainder of the calendar year, except for a number of services where an upper limit Extended Medicare Safety Net benefit cap applies.

The government introduced benefit caps for certain services following an independent review that found some providers had used the EMSN to increase their fees to excessive levels—and I have given you some examples of that. The Extended Medicare Safety Net was designed to help patients with out-of-pocket costs, not to subsidise excessive fee charging by a minority of doctors.

Under the current legislation, in certain circumstances where more than one Medicare item is claimed by the same patient on the same occasion and the items are deemed to constitute one professional service, Extended Medicare Safety Net benefit caps are unable to apply as originally intended. An example of this is where patients have more than one operation performed at the same time. Some doctors are performing multiple operations to avoid EMSN benefit caps.

This bill amends the Health Insurance Act 1973. It allows EMSN benefit caps to apply even when multiple services are performed. This means that the Medicare benefit goes towards helping patients with out-of-pocket costs, not on subsidising those excessive fees charged by a minority of doctors. Importantly, it helps protect the integrity and the sustainability of the Extended Medicare Safety Net. I commend the bill to the House.

Question agreed to.

Bill read a second time.

Ordered that this bill be reported to the House without amendment.

STATEMENTS ON INDULGENCE

70th Anniversary of the Operations of Bomber Command

Dr STONE (Murray) (11:57): on indulgence—I would very much like to make a statement on the 70th anniversary of the operations of Bomber Command. I grew up with a picture on the wall of seven young men in full battledress ready to step into the huge Lancaster tower just behind them, identified as PB853, or ‘P for Peter’. There were a line of bombs painted on the side of the plane, representing the number of missions the crew had successfully survived.
The photograph was taken in February 1945, at RAF Station Hemswell, and they were a Commonwealth crew of 150 Squadron, already veterans on that day of more than 20 missions. Even the oldest was barely more than 20. They were a Commonwealth crew, closer than brothers, with six Australians trained back home or in Canada and a ring-in, English flight engineer John Davis. At that time Australia did not train flight engineers to be sent to be part of the deadly and highly effective Bomber Command of World War II.

The United Kingdom has come so very late to recognising the sacrifices and contributions of the WWII Bomber Command. It took until 2012 to see a dedicated memorial unveiled in London. Most of the surviving veterans of Bomber Command are now in their late 80s or 90s. Most could not travel to London to honour and remember their brother aircrew who died and the youth that they sacrificed when they were sent night after night to bomb strategic enemy targets to hasten the end of the war. By the end of World War II, Bomber Command had suffered the biggest proportion of casualties of any service in the campaign against Germany and Italy. Of the 125,000 aircrew 55,000 were killed on operations—3,500 of these were young Australians; the flower of their generation.

Amongst those 125,000 who flew for Bomber Command were the six young Australians and their adopted brother, John Davis, captured on film just as they were about to climb into their Lancaster, P for Peter. It was February 1945. A few weeks later, on 24 March 1945, on their 29th mission, they were shot down near Dortmund, Germany. They had been dropping bombs on the oil refineries at Harperweg when the intense anti-aircraft flak disabled their plane.

This young Commonwealth crew, like every other, knew their chance of surviving a bombing raid was about 50 per cent. As the planes limped back home from every mission, there were always missing mates who had been trapped in burning planes or had crashed on land or sea. Some did parachute to safety, however, living to fight another day or to remain in German prisoner of war camps supposedly safe to the end of the war.

That crew in the photo on the wall in my home were shot down on the night of 24 March 1945. That loss was especially poignant, and it is one of the great tragedies of the war—one, of course, of many tragedies. While the Lancaster was fatally crippled by the flak, only 20-year-old Flight Sergeant James Noel Griffin, of South Brisbane, went down with the plane. He had helped to keep the crippled Lancaster in the air long enough for the rest of the crew to bail out. His body was recovered from the wreckage. The rest of the crew bailed out safely. They were the Englishman, John Clement Davis, the flight engineer; the oldest of the crew, 24-year-old Robert Lockyer Masters, the wireless operator, from Tumut, New South Wales; 20-year-old Kevin Anthony Kee, the navigator, from West Brunswick, Victoria, and a descendant of a Bendigo goldfield Chinese family; and 23-year-old Philip Henry Morris, the pilot, from Maroubra. These four landed safely and were subsequently rounded up by the Germans and taken to a POW camp near Bochum where, according to the conventions of war, they should have been safe. The end of the war was only months away.

The other two crew members who parachuted to safety were my father, 20-year-old Harvey Bawden, the mid-upper gunner, from Pyramid Hill, Victoria, and 20-year-old James Henry, or Jim, Gillies, the bomb aimer, of Eastwood, New South Wales. Miraculously, these two were not with the others when those four were marched off to the POW camp at Bochum. My father had been badly injured, with a broken femur, and so he was saved from a civilian mob.
by the German Home Guard equivalent, who carried him off to a police station. Jim Gillies had concussion and landed a distance away from the other four, who had been captured by the military, so he was taken to a different place.

The next day, at the POW camp, a furious mob demanded that the Bomber Command crew—the four who had just been taken prisoner—be released into their hands. The guards complied, and John, Robert, Kevin and Phil were then attacked and brutally murdered. They were then buried by the mob in their home gardens.

With the end of the war just a short time later, and the American Allies sweeping through the area, some of the still shocked locals led them to the buried members of the crew. A war crimes tribunal subsequently investigated this crime, committed outside the POW camp at Bochum. The guilty were sentenced to death by hanging, and one to 20 years jail. There were also several suicides.

So just two of those seven—my father Harvey Bawden, and Jim Gillies—miraculously survived the war. They of course live with the legacy of what happened. They remain as close as brothers and are committed to keeping alive the memories of their crew. On behalf of those two, I visited the graves of the others and paid my respects. They are re-buried at Reichswald forest, a beautiful place in a Commonwealth War Graves cemetery in Germany, very close to the Netherlands border. My father and Jim stay in touch with the next of kin but sadly, because all of the boys were so young, there are no direct descendants to carry on the knowledge and understanding of what they sacrificed so long ago.

There have now been several books written about this tragic episode. My father and Jim were reluctant to talk in detail about what happened. We encouraged them to say it like it was, so that younger Australians of today realise that there were crews in their twenties, many had enlisted at the age of 18, who made us so proud, and whose courage delivered a much faster end to the war. Sadly, when the conventions of war fail, some who could have survived lose their lives. In this particular case civilian lives were also lost, and that was another great tragedy of the war.

The DEPUTY SPEAKER (Ms O'Neill): I thank the member for Murray for her fine contribution. I am sure that the men of whom she spoke would feel very honoured by the way she presented their story and put it on the record here in the parliament today.

Dr JENSEN (Tangney) (12:05): It is 9.25 pm. The place is London. Seven nervous men sit in various positions in a Lancaster bomber, waiting for take-off. It is dark and the flames from the exhaust stubs of the four Merlin engines can be seen flashing in time with the syncopated rhythm of the engines. It will be a terrifying experience, flying essentially alone, swallowed by the darkness, relying on astronavigation in their primitive Gee radio navigation systems to find their target. It is freezing cold in the night sky of Germany, a great deal below zero. The seven will be over Germany for hours, knowing that at any second a Luftwaffe night fighter could riddle the Lancaster with cannon and machine-gun fire: death with no notice. Further, there is the ever-present danger of being caught by searchlights and shot down by flak. If they were shot down, only 15 per cent of the men would get out of the aircraft, on average. The Lancaster had a notoriously difficult egress. This terrifying ordeal was not a one-off event. It happened night after night, weather permitting, until the crew was either shot down or completed their 30-mission tour of duty. They had, roughly, only a one in two chance of survival.
What would drive a man to slap self-preserving logic in the face? Remember, these heroes were not old. They were young men, with everything ahead of them. But they were willing to put everything on the line to defend the gift of freedom. It was irrational when so many of their mates were being blown to pieces. Bravery is irrationality in the right place, at the right time, for the right reasons.

Today, as the voices of that generation fade from our world, their actions will continue to boom through the pages of history forever. This notion of selflessness, mateship and duty is what the men of Bomber Command were all about. Duty is what every single member of our armed services is about. So let us honour the heroism of 70 years ago by honouring the heroism of our forces today.

The legacy of 70 years ago is that we in the international community and the West resolved on the creed 'never again'. But what we are doing is telling our soldiers, 'Never again will you be satisfied that you have everything you need to do your job.' The boys and girls in Afghanistan today, and in our other forces overseas, just want to do their job. That is it—nothing more. They want to have all the equipment necessary to complete that job, but the government is cutting the defence budget. By cutting the budget, the government is saying, 'Never again will our country value or hold you in the highest esteem.'

I would like to say to every member of Bomber Command: let not the stains of time lessen our debt to you. So many today are preoccupied with sovereign debt and private debt, short-term debt and long-term debt, but the debt we owe you is a debt you won through death. Today is a down payment on that debt of honour—our simple and heartfelt gratitude for your service and sacrifice. You of Bomber Command paid a heavy price for our freedom: 10,000 Australian mates, brothers and sons went to our British cousins' aid. While not deeming themselves august and inspirational—though they were—they would have been more comfortable to be known simply as good Aussie blokes, ordinary men doing extraordinary things, because they knew, as we should today, that freedom is never free. One such hero is Brian Walley. Mr Walley lived at the RAAFA estate in my constituency of Tangney in Perth. He ditched in the water twice, once in a training mission when he had an engine failure and once over the North Sea after sustaining battle damage over Germany. He was in the water—and this was in winter—for days. He was the only survivor, despite four of them having survived the initial ditching—the other three died of exposure. Ever with deliberate and careful discrimination and unflinching zeal, Mr Walley and his mates at Bomber Command, undaunted by odds, unwavered by the constant challenge, brought a terrible justice to the abodes of the guilty. I have met this silent hero. The song passed to me from that time goes like this and the boys of Bomber Command would ditty: 'Let us pray for a solution, pray for resolution, pray for absolution, pray for retribution.'

I think of a tail gunner I know who was in a Lancaster when he was shot down over occupied Europe. His crewmates were captured and became POWs and so receive benefits. This tail gunner evaded capture and fought with the Dutch Resistance for the remainder of the war, so no benefits for him. How stupid are bureaucracies at times. When I walk around that RAAFA Heritage Museum in Tangney I look to the pristine Lancaster bomber that lives there. I am extremely concerned by the knowledge that the government do not have any real resolution, and certainly no solution, to the present-day security needs of our country. Never can they or we be certain of soundness of sleep when we know of the real and growing
tensions in the South China Sea and the ever-present reality of modern wars against a faceless and stateless enemy.

The government's response is wrong. Is it right that we mark the memory of Bomber Command by cutting defence spending? Dr Mark Thomson from the Australian Strategic Policy Institute invokes an iconic moment from the 1930s, the Munich peace marches, for the last time spending was at this level. The fall as a proportion of GDP, the measure that matters, is far more serious than the government has admitted. In 2012-13, defence spending will fall to below 1.6 per cent of gross domestic product. This has short-changed defence by $4 billion. Alan Dupont from the University of New South Wales Institute for International Security and Development warns the best time to invade Australia will be between 2028 and 2030, because of delays in replacing Collins submarines. The men of Bomber Command risked their lives, many paying the ultimate price to ensure our freedom. We dishonour them in not maintaining the constant vigilance and paying for said vigilance to ensure the freedom that they fought and died for is a continuing and enduring one, one that we will pay for at the very least with defence spending.

As much as I question the JSF decision, is it right to delay the delivery of 12 Joint Strike Fighter aircraft and scrap plans to equip the Army with new self-propelled artillery in order to make ‘an important contribution to the government's fiscal objectives', as the Prime Minister stated on 3 May? On the same day the Minister for Defence, Stephen Smith, announced $200 million for another study, a study that will decide if submarines should be bought from other countries or designed from scratch in Australia. Is it right that it is easier to get more support staff in the Department of Defence than supporting fire in the field? Is it right that delays to delivery of vital new technology and capability cost lives? It is a slap in the face for defence at a time when Australia's maritime security—as we know with the boat people scenario and with oil and gas, coal and minerals exports—is utterly dependent upon maritime security.

In the final analysis we stand and salute the men of Bomber Command. Your gallantry is legendary. Tears are ever there for the 3,486 men who did not come home and for the 650 men who died in training. For them it was the highest cost in a time of the highest stakes. It is wrong that it has taken us so long to fully recognise the efforts of Bomber Command. To those who did everything for us, our grandparents and parents, we can do more for them. Never has so much been owed by so many to so few, though few remain. Their legend will endure and this I, as an MP, will ensure for evermore.

Mr McCormack (Riverina) (12:14): They were in many ways the forgotten heroes of World War II, perhaps due to high civilian casualties from bombing campaigns against the German mainland to disrupt industrial weapons production and German air force operations. However, in the words of the great British Prime Minister Winston Churchill: The fighters are our salvation but the bombers alone provide the means of victory. That they did.

Ten thousand Australians served in Bomber Command during World War II. Up to 3,500 were killed in action and 650 were killed in training accidents in Britain. Of the 125,000 total aircrrew serving in Bomber Command, a total of around 55,000 made the supreme sacrifice on operations. More Australians were killed in the Bomber Command than any other service during World War II. It was not until five years ago that Australia commemorated Bomber Command, and on 28 June 2012 Queen Elizabeth II fittingly unveiled a monument in
London's Green Park. The thousands of men killed were finally recognised and it was the first chance in almost 70 years for surviving crew to recognise their fallen friends formally. At the ceremony Chief of the Air Staff, Sir Stephen Dalton, said Bomber Command's 'service and raw courage' had been acknowledged, and how appropriate that was. Some 6,000 veterans and families of the deceased from Australia, Britain, Canada and New Zealand watched a Lancaster bomber drop thousands of poppies in a fly-past. It was a momentous and memorable moment for those who attended the ceremony.

Unfortunately, initially the government was only going to fund fully eight veterans to attend this unveiling of the long-awaited Bomber Command memorial and only part-fund a further 40 ex-pilots, officers or tail gunners. Thankfully, the government saw the good sense to send more Australians. There are not that many of them left, but those who went certainly came back with great memories and great tales to tell. They felt as though their service, their honour and the sacrifice of their mates had been duly recognised.

Due to ill health, one of Riverina's bravest, former air gunner in the 186th RAF Squadron Jim Mallinson from Griffith, was unable to attend the June ceremony but he has many fond memories of the squadron he fought with in the Royal Air Force Bomber Command. Jim Mallinson was an air gunner in the 186th RAF Squadron in 1944, surviving a remarkable 39 missions. It is people such as Jim who need to be praised forevermore for the tasks he and his colleagues performed, which helped enormously to bring about victory in Europe.

Professor Hank Nelson, a highly respected Pacific historian who wrote *Chased by the sun: courageous Australians in Bomber Command in World War II*, published by ABC Books in 2002, also penned a paper called 'From Wagga to Waddington: Australians in Bomber Command'. This paper recounts the tale of two Riverina men, Alfred Doubleday from Yanco and William Brill from Ganmain, and their journey from kids on the farm to fighter pilots in World War II. Brill was awarded the Distinguished Flying Cross in May 1942 for attacking a target after his plane had been badly damaged by anti-aircraft fire. After acting as an instructor with the RAF, he returned to the bombing campaign in January 1944 as a flight commander with No. 463 Squadron RAAF, operating Avro Lancaster heavy bombers. Brill's leadership and determination to complete his missions despite damage to his aircraft—one occasion inflicted by another Lancaster's bombs from above—earned him the Distinguished Service Order. Brill's Bar to his DFC was for his skill in evading three German night fighters, not an easy feat, and he was also the recipient of a Bar to his DSO. Promoted to wing commander in May 1944, he took command of No. 467 Squadron RAAF after the death in combat of its then leader, Group Captain John Balmer. Returning to Australia, he remained in uniform after the war and continued to serve the Air Force, and therefore the nation, until his death of a heart attack at the age of just 48 whilst in the Department of Air in Canberra in 1964.

Brill, Doubleday and Mallinson, all men of extraordinary courage whose daring, derring-do, pluck and valour—helped in the difference between winning and losing the worst global conflict mankind has endured. The sacrifices of Bomber Command and the bravery shown by all in this fearless fighting force ensured that good triumphed over evil.

Mr DANBY (Melbourne Ports) (12:20): Hermann Goering, the head of the Luftwaffe, said in September 1939, before the commencement of the Second World War:
No enemy bomber can reach the Ruhr. If one reaches the Ruhr, my name is not Goering. You may call me Meyer.

Obviously, Bomber Command, and the role it played in the Second World War, was a slap in the face of that Nazi braggadocio that symbolised that evil regime. The role Bomber Command played is being remembered on the 70th anniversary by the great Australian veterans who flew with the RAF. I remember standing in Berlin with an Australian parliamentary delegation at the Commonwealth war graves and putting a red rose on the grave of each of the 42 Australian flyers who were shot down and killed. During World War II, 20,000 Australian airmen served with Bomber Command in the Royal Air Force. Their exacting two-year training, undertaken with the Empire Air Training Scheme, proved to be the difference which enabled Allied crews eventually to triumph over their very formidable foes in the Luftwaffe. What was their service like? The great military historian Max Hastings has just published his new book *All Hell Let Loose* in which he says of their service in Bomber Command that they did not agonise much:

… or at all, about the fate of those who died beneath their bomb doors; it was because flying for eight or ten hours either in daylight formation amid flak and fighters like the men of the USAAF, or through lonely darkness, as did those of the RAF, imposed relentless strain and frequent terror. The monotony of bombing missions was shattered only when crews encountered the hellish sights and sounds of combat and bomb runs over cities in Germany or Japan.

The bravery and sacrifice of Bomber Command cannot be underestimated. Some of them were regular RAF officers, like Group Captain Hughie Edwards, who was awarded a Victoria Cross as early as 1941 and who originally trained with the RAF. Some of them went into this conflict with diffidence. The courageous English pilot Laurie Stockwell, who was shot down over Berlin and died in 1943, asked his mother in a letter to her:

Do you remember a small boy saying he would be a conscientious objector if war came? Things happened to change that small boy's view—talk of brutality, human suffering, atrocities—but they did not have any great effect on changing my mind for I realised we are capable of doing these deeds of which we read much these days. It is the fact that a few people wish to take freedom from the peoples of the Earth that changed my views… You may have noticed I have not mentioned fighting for one's country, for the Empire. For me this is just foolishness.

These are the great people who sacrificed their lives, as the previous member said, in the struggle of Bomber Command in the Second World War. We know that by the end of 1941, 300 Australians, mostly pilots, were members of 46 Bomber Command squadrons and 1941 was the year that two Australian medium bomber squadrons were formed—445 in June and 458 in September 1941. Both of these squadrons flew regular missions over Germany by the end of 1941. The consolidation, unfortunately, of RAAF men into RAF units in Bomber Command never compared with Canadian No. 6 Group. Unfortunately, a decision was made by the British, with which Australia acquiesced, to have most of our people in Bomber Command absorbed into British or Allied crews.

We remember that in 1942 the Pathfinder Force was created under the command of an Australian, Air Commodore Donald Bennett, an acknowledged expert in navigation. We remember that an Australian pilot flying with 149 Squadron RAF was the only member of the RAAF flying with Bomber Command to win a Victoria Cross. Flight Sergeant Rawdon Middleton was flying a four-engined Stirling bomber in November 1942 when the aircraft was hit on its way to Turin. He was over the target when the aircraft was hit again, this time
seriously wounding Middleton. Despite his wounds Middleton flew back to England, where five of the crew were able to bail out safely, but with fuel almost exhausted. Middleton was killed when the aircraft crashed at sea. We remember that, during the Battle of the Ruhr, the famous dambusters raid took place. Sixteen Lancasters, carrying 13 Australians, four of whom were captains of their aircraft, made this attack. Eight Lancasters were lost—an incredible loss, given the number of aircraft that participated—involving the death of 55 men, with a solitary Australian rear gunner surviving to become a prisoner of war. Of the 12 other Australians, only two were killed, with 10 returning safely.

There were 795 bombers, including 75 from the four RAAF squadrons, dispatched on the momentous British raid on Nuremberg in March 1944. Ninety-five aircraft, including five Australian aircraft, failed to return. This was the worst loss to Bomber Command during the entire war. Five RAAF aircraft, with 35 aircrew, were lost, of whom seven of the 20 killed were Australians. Another 40 Australians, including 11 pilots flying with 16 different RAF squadrons that night, were killed. That gives some indication of the Australian contribution to the air war in Europe. Australian casualties in Bomber Command reached 3,486 dead and 265 injured. After the war, 750 Australian aircrew were released from German stalags.

We should honour the men of Bomber Command for the part they played in the bombing of Germany. Mr Hastings gives a very moving account of what it was like to be in Bomber Command:

Allied aircrew, once deployed on operational fighter or bomber squadrons until the last eighteen months of the war confronted the statistical probability of their own extinction.

And they still flew. Hastings says later:

More than half the RAF's heavy bomber crews—you have to remember that this is where all the Australians served—perished, 56,000 men in all.

The United States Army Air Force, with 100,000 men participating in the strategic offensive against Germany, lost 26,000 killed, with a further 20,000 taken prisoner. One of the pilots of a British Whitley bomber, Sid Bufton, said, 'You were resigned to dying every night.' The campaign was the principal way the Allied forces had to influence the fight against Nazi Germany in those days. It was a fight that maintained morale during the harshest and darkest days of the war. The last visit of the Soviet foreign minister, Molotov, to Berlin, in the period of the infamous Stalin-Hitler pact, took place on 13 November 1940. According to an account by Molotov, while he was there an air raid took place:

When the alarm sounded Ribbentrop led the way down many flights of stairs to a deep shelter, sumptuously furnished. By the time he got inside the raid had begun. He shut the door and said to Molotov: 'Now that we are alone together, why should we not divide [the world]?' Molotov said: 'What will England say?' 'England,' said Ribbentrop, 'is finished. She is no more use as a Power.' 'If that is so,' said Molotov, 'why are we in this shelter, and whose are these bombs which fall?'

A very apposite point that is understood if you look at the fact that, during the long years before the Allied armies engaged the Germans in strength, Britain's Prime Minister and the US President in effect colluded to proclaim the triumphs of strategic bombing. As Hastings said:
Sir Arthur Harris, who became Bomber Command's C-in-C in 1942, said: 'Winston's attitude to bombing was "Anything to put up a show." If we hadn't [used Bomber Command] we would only have had the U-boat war, and as he said, defence of our trade routes was not an instrument of war.' Churchill regarded the bomber offensive as a vital weapon in Western relations with Stalin, in some small degree—
keeping in the war the Soviets, who were concerned about—
Anglo-American sluggishness in launching a second front.

If the great Churchill thought Bomber Command's activities—even the exaggeration of them and their effectiveness—were essential to keep the Soviets in the war, I, and we, must defer to his judgments. It is all very well now to know how events turned out, but Western Leaders—the British, the Americans and indeed Australians—were faced with the fact that the Russians had been in close collusion with the Germans until June 1941, and that it would have been disastrous for all of us if, at any point, the Russians had made an agreement with the Germans and stopped the war. Imagine the blood and treasure that Australia, Britain and the United States would have had to invest to defeat Germany alone. So Bomber Command's role was extremely important. The great Churchill thought so, and if exaggerating Bomber Command's military achievements kept the Russians in the war, it was the right thing.

It is true, as the great man said, 'Bomber Command turned out to be more of a bludgeon than a rapier,' but it did do the following three things: it obliged the Germans to divert growing numbers of their fighters and dual purpose 88-millimetre guns from the eastern front to the defence of the Reich. Hastings says that Berlin alone was defended by a hundred batteries of 16 to 24 guns, each manned by crews of 11. And most importantly—as we all understand from the bombing of Germany—it was also claimed by Albert Speer, the quartermaster of the Reich, who contrived to increase output even amid the massive raids of 1944, that vastly more weapons would have been built, with serious consequences for the Allied armies, if factory operations had not been impeded. There are only 11 months from the invasion by the Allies in June 1944 to the fall of Germany, but if there had been vastly more armaments production by the Germans, that would have seen a great number of Allied people killed.

I conclude by saying the Bomber Command was, at one point, the principal way the Allied forces had to attack Germany. It was a fight that maintained the morale of the Western publics during the harshest and darkest days of the war. Twenty thousand Australians served during that campaign; 3,500 gave their lives and have the gratitude of this nation. Their actions and sacrifices have made the world and Australia a better place.

ADJOURNMENT

Ms BRODTMANN (Canberra) (12:32): I move:
That the Federation Chamber do now adjourn.

Senator Mary Jo Fisher

Mr BRIGGS (Mayo) (12:32): I rise today to note the resignation from the Australia Senate of my very good friend, Senator Mary Jo Fisher, who left the other place on Tuesday following a decision by her some two months ago now that, given the health difficulties that she has been suffering, it would be impossible for her to continue in her position in the Australia Senate.
I have known Mary Jo for well over a decade. She was my first employer, along with Nick Wilson, and was the reason—and I am sure many on the other side will agree—thankfully, that I got involved in industrial relations in the first place. She is godmother to our eldest daughter, Elka, who is six, and she and John remain very good friends. I think in her albeit short time, five years, in the Senate she made a strong contribution, although it could have been stronger and could have continued longer had it not been for a debilitating mental illness which has led to incidents which in the end meant that she could no longer continue in that high office in the Australian Senate. It was, as the Leader of the Opposition said in our party room a couple of days ago, a very brave decision to resign from the Australian Senate given the circumstances. But for her I think it was the right decision. It was the right decision for her health, and for she and John to go away to ensure that the next part of her life is able to be lived without this debilitating illness impacting so much on her.

She will be 50 on Christmas Day this year. I think the uniqueness of her birthday sums up the uniqueness of her personality, and it does give plenty of time for Mary Jo to contribute to society in a strong way in the future. She has plenty of time left to do that, but will need to do that after getting herself better.

She has been involved in politics for some time now. She worked previously with the Leader of the Opposition when he was Minister for Workplace Relations and Employment. She worked with the previous Minister for Workplace Relations, the Hon. Peter Reith. In that office she also made a very strong contribution to the development of very sound workplace relations policy during the Howard government. Before that she was heavily involved in farming or agric-politics, which is probably the most vicious and worst type of politics you can find. I am sure you would agree with me, Mr Deputy Speaker, on that. She cut her teeth through the New South Wales Farmers Federation, after growing up in Beverley in Western Australia, where her parents remain. She is someone of an extremely high intellect and with that there is often an eccentric personality, and Mary Jo is no exception. She has quite an eccentric personality and probably is most famously remembered by those who do not know her well for that ridiculous dance she did in the Senate. She was obviously and rightfully publicly derided for that. She cannot sing and she cannot dance, and she should have never had tried to do so in the Australian Senate. She should have let her intellect do the talking for her, because it is as substantial an intellect as you will find amongst anyone in these places.

I cannot and have not been able to understand fully the impact of the mental illness on Mary Jo and her family. Given the reaction of certain agencies in my home state, while we talk about mental illness more in society and politics and in this place and other places, I do not think that we fully genuinely understand its effect. We like to think that we do. We might be talking about putting more funding into it, but I am not convinced, certainly through these episodes, that in our society we are yet accepting of it. We are trying to understand it and we are trying to have the understanding needed for people to be able to deal with it, as fortunately the member for Goldstein has been able to deal with it. It is a sad loss for the Senate, it is a sad loss for the Liberal Party. She will be remembered as a good person who wanted to make a great contribution to the country.

### Bahrain: Human Rights

**Mr HAYES** (Fowler) (12:37): I rise today to draw attention to the highly distressing state of affairs in the kingdom of Bahrain. Bahrain is an island off the Saudi Arabia coast in the
Persian Gulf and has a population of 1.2 million. Over the course of the past 18 months there have been a number of reports of human rights violations against Bahraini citizens, perpetrated by their own government. The government is reported to have attempted to suppress a move by the marginalised Shiite majority to gain more rights and have a greater say in the decision-making processes of that country. In March this year, troops from Saudi Arabia and the United Arab Emirates were invited by the Sunni government to assist in this suppressing of protestors.

Independent observers such as Amnesty International have noted the killing of between 60 and 87 protestors, attacks on doctors who provide medical assistance to those injured protestors, destruction of Shiite mosques and the repression of freedom of speech through the absolute control of the national media. In fact, a number of international journalists have been expelled and visas are no longer being issued to journalists. There is clearly a move to shield the events from the critique and intervention of the outside world.

I often speak in this place about human rights, particularly in Vietnam, and other places, and I often say that Australia as a nation has traditionally encouraged countries in their efforts to move towards freedom, liberty and democracy. However, the Bahrainis' fight for freedom and democracy is often described as the forgotten revolution. It seems to have been overshadowed by the revolutions in nearby countries such as Syria and Egypt. I strongly believe the situation in Bahrain deserves to be equally recognised in this place. I note that my colleague the member for Werriwa moved a motion earlier this year regarding the situation in Bahrain. A motion was also introduced into the New South Wales parliament supporting the protestors and condemning the Bahraini government's human rights violations.

I recently met with the Bahraini Australian Youth Movement, led by their secretary, Mr Ghassan Khamis. They informed me about the truly disturbing stories of torture and repression that were occurring in Bahrain. They told me the story of Mr Abdulhadi Alkhawaja, a prominent human rights activist and co-founder and president of the Bahrain Center for Human Rights. He was arrested in 2011 for his role in the liberation movement and suffered severe torture. He has since been sentenced to life imprisonment and now his health has been severely compromised due to his prolonged hunger strike.

Human Rights Watch, the United Nations, Amnesty International and other independent international observers have spoken out about these unlawful arrests and trials and have found that the majority of pro-democracy protesters have used peaceful nonviolent methods to express themselves. In this country we often take for granted the many rights, freedoms and privileges that we enjoy, such as the freedom of speech or the right to legal representation, and even our right to medical assistance. It needs to be recognised that a move to democracy is not simple and certainly not easy in many instances. History shows that the quest for freedom and liberty is often a long and tough battle involving true patriots. But it is a battle worth fighting. I will always lend my support to those who pursue freedom and the observance of the human rights of their people, and I ask members of this place to take a similar view in their attitude towards Bahrain.

**Carbon Pricing**

Mr BROADBENT (McMillan) (12:39): I do not come to this place lightly to speak at any time, and in this case the conversation I am having with the Australian people is, in my
humble judgment, worthwhile raising. I do not come here to speak about issues that are of no import to me or to my electorate or to the Australian people.

It is 40 days since I wrote letters to the editor in my local area challenging the government, through Greg Combet, to respond to a Greg Sheridan article in the Weekend Australian of 7 July. Forty days has great significance—both biblically and in any consideration of what may be brought forward—and it is 40 days today since my challenge to Greg Combet, or anybody in the government, to respond to the article on the carbon tax that Greg Sheridan wrote for the Weekend Australian. That article pointed out some great problems that the carbon tax will cause for Australia and compared them to what is happening internationally.

We often have to have a conversation with the Australian community about the policies that the government of the day may be progressing. I said in the main chamber yesterday that one thing that I will give John Howard credit for, whether you agreed with his propositions and policies or not, is that he was always brave enough to go into the parliament and do his best to explain to the Australian people what his policy was and why he was introducing that policy. He took up every opportunity to do that. He did it on talkback radio. So I would have thought that, on something as crucially important—as it has been presented to the Australian people—as the carbon tax and the need for that carbon tax and why it is being put in place, it would be absolutely proper for the government to respond to an article like this from Greg Sheridan in the Australian that goes through and points out opinion from McKibbin and Linacre that there are issues that will affect this nation over a long period of time. While there has been argument that these issues are happening overseas, they are proving in this article that this is actually not happening overseas. Other countries are not introducing a carbon tax at the level that we are introducing it, or are not introducing a carbon tax nationwide et cetera. So I put that challenge out to Greg Combet or anybody in the government. Do not respond to me with just some spin but respond to me—through my local papers, if you like—with arguments that address clearly every point that Greg Sheridan made in that article.

Why is it important to me? Not because I want to make a political statement but because I actually care about my own community. An article today by Mark Latham, the former leader of the Labor Party, says that there has been no impact whatsoever of the carbon tax and that my leader is out of order. It may not affect the whole of Australia in the way it affects me locally. Those of you who know my electorate and the electorate of Gippsland know that we have thousands of years of reserves of brown coal, from Morwell all the way down to South Gippsland. Why are we affected in a manner that is clearly different to everybody else right across the nation? The power stations in my electorate, which supply Victoria's and much of the nation's power, are directly affected by the carbon tax in that they will be brought to a place where they are unviable. If your power stations are unviable, then you have considerations over their buyback, which the government has to this point not been able to effect. So we have at this stage great confusion and a lack of confidence, and 12,000 megawatts taken out of the Latrobe Valley means 12,000 jobs that will be taken away. I call on the government today: please, after 40 days, respond to the Greg Sheridan article. I call on Greg Combet particularly: forget the spin; please respond directly to the Greg Sheridan article.
Ms ROWLAND (Greenway) (12:47): I rise today to mention a number of important events that have recently taken place in my electorate of Greenway regarding a topic close to my heart, that of education. These include the Norwest Christian College's Building the Education Revolution recognition ceremony, the New South Wales Education Week at Metella Road Public School in Toongabbie and the Gonski review into school education funding.

On 26 July, I had the absolute privilege of officially opening the brand-new BER facilities at Norwest Christian College in Riverstone, along with the Deputy Prime Minister and Treasurer. It was fantastic to visit the students in their $2.15 million refurbished multipurpose hall and classrooms and to take part in a mock debate with the students, a debate that rivalled the quality of some of the performances we have seen in this place. It was a great pleasure to participate in their youth parliament and a question-and-answer session. The topic that we debated was 'Should homework be banned?' I was in the affirmative; the Treasurer was in the negative. Rather than saying who won and who lost that debate, I would just like to say that it was a tremendous exercise in democracy and it was so great to see the confidence and the intelligence of the students who were there. They were absolutely impressive and a great credit to their school.

The BER program has seen over $60 million invested in schools in my electorate, investments that have built new language centres, science labs, computer labs, school halls and classrooms. These investments have been welcomed in my electorate, and these developments would not have been possible without the injection of funding from the federal government. As the Blacktown Advocate reported:

Norwest Christian College principal Ian Maynard said without government help, it would have been impossible to build the new classrooms.

"This BER money turned our tired 20th century classrooms into vibrant 21st century learning spaces," he said.

"The previous classrooms were like little boxes."

It is a tremendous development for Norwest Christian College. I would like to thank Principal Ian Maynard and the staff for hosting the Deputy Prime Minister and me and for putting on an excellent day. I would also like to quote from a lovely letter that was in my local newspaper from a student named Alysen, who said:

it was an amazing day i enjoyed it very much and i am proud to be at this school i am a girl in year six and i love it. i loved meeting these people and especially meeting ms rowland and mr swan it was the most best experience that a school could ever have …

It was the 'most best experience' to meet you as well, Alysen.

I would also like to mention the beautiful pictures in the photo gallery from Rouse Hill Times photographer, Isabella Lettini, which had around 4,000 online hits, which I understand is something of a record in Blacktown's local newspapers.

On Wednesday, 1 August I joined Metella Road Public School in Toongabbie in my electorate to celebrate New South Wales Education Week. Students put on a number of fantastic performances—again, in their brand-new BER multipurpose hall, which I will be officially opening later this year. It was great to see so many parents and family members
present to join in the celebrations. Metella Road Public School is a big school, and it is also a very culturally diverse school. It has very strong teacher and parent support and input.

I would like to thank new Principal Peter D'ermilio for his hospitality and wish him well in his role at the school. Peter was previously the principal of Riverstone Public School. A fine principal he was there, and I am sure he will do an equally fine job at Metella Road Public School. He is a great leader. Riverstone Public School's loss is indeed Metella Road Public School's gain.

Lastly, I would like to mention the Gonski review into school funding. With around 10 per cent of the population in Greenway aged between nought and four years of age, as I have said on a number of occasions, it really does make Greenway Australia's nursery, and this has been confirmed by recent census results. As well as being an extremely young electorate, Greenway is home to 59 schools, making education a top priority for many of my constituents and, of course, me.

In 2010 the government commissioned a review into the way schools are funded. The review, led by businessman David Gonski, found that schools with similar needs often end up with different amounts of government funding. It said the government needs to make sure additional investment gets to the schools and students who need it, do more to get great teachers into our schools and keep improving our education performance. I visited a number of schools in my electorate to show that 'I give a Gonski', including Blacktown Girls High School and Blacktown Boys High School, where I discussed the Gonski recommendations and noted the strong support from the Greenway community for these initiatives.

I would like to take this opportunity to reaffirm my commitment to public education and to express my 100 per cent support for the Gonski recommendations into school funding.

**Wright Electorate: Volunteering**

Mr BUCHHOLZ (Wright) (12:52): Mr Deputy Speaker Scott, I am concerned about the workload you have undertaken in this session. It has been a colossal effort and I take the opportunity to acknowledge the work you do in the House. More importantly, I rise today to sing the praises of those wonderful unsung heroes in my electorate and people throughout Queensland and Australia who volunteer their time. Last year we had the International Year of the Volunteer, a wonderful accolade and acknowledgement of the work that volunteers do right across the nation. This year, ironically, we have the year of the farmer, and in my electorate I am sure that most of my farmers believe they are working for about the same remuneration package that the volunteers work for. Nevertheless, in my communities there are a number of motivated organisations and I would like to take the opportunity to share with the parliament some of the wonderful work that happens.

Firstly, I would like to congratulate the Fassifern Valley Rotary Club, which had a meeting the other night. Their outgoing President, Graham Porter, has done a magnificent job over the last 12 months, and I would like to acknowledge the work he has done for the community, particularly the Fassifern Valley Rotary Club.

I would also like to acknowledge the re-elected secretary, Natalee Klan, and outgoing youth director, Elsie Fraser. I would like to welcome the incoming President, Ross McInnes, who is synonymous with being an outstanding dairy farmer in the area and being part of a small, local community. He is a guy who fights above his weight division when it comes to
being involved in the community. Ross, congratulations on your new presidency of the Fassifern Valley Rotary Club. I would also like to acknowledge vice-president Bev Ward; Sergeant-at-Arms Paul O'Sullivan; youth director Thyrlene Devin; re-elected international director Marjorie Porter; club service director Lindie Kirchner; and community service director Andrew Kay. They all do a wonderful job for their community.

In addition, we have the Beaudesert Hospital Auxiliary Board. You would question as to why a group such as the hospital auxiliary board would get together to raise money to give to the hospital because, in Queensland, an enormous amount of money from both sides of government has traditionally gone into the health portfolio. Federally, we give hundreds of millions of dollars to health. But auxiliary boards are there because the local hospitals are filled with their friends, their neighbours, their community members and the auxiliary board raises money through running the canteen to make the stays in hospital for the unfortunate people a little bit more comfortable. They raise money for additional furnishings or just to make the stay in hospital for these unfortunate people that little bit more comfortable.

We have had the 50th anniversary of the Beaudesert Hospital Auxiliary. We welcome the incoming president Pat Burnett; first vice-president Therese Cahill; second vice-president Dianne Campbell; and secretary Marj Gardner.

I also make special mention of committee member Lynn Mulders, who was the guest speaker at the recent meeting. She was an employee of the hospital for 44 years. Without a doubt she had the whole room in absolute stitches with some of the untoward practices that had happened over the last 44 years. She is truly a character.

I also take the opportunity to acknowledge Julie Jones, Beatrice Flessor, Lyn Domjahn, Alexia Baker, Ella Todd and Lyn Loweke. They are wonderful people, who contribute many hours to ensure that hospital stays are made a little bit more comfortable.

Today, in addition, I have no hesitation in congratulating the 2012 Boonah Hospital Auxiliary Board, which performs the same function in a smaller hospital a couple of kilometres away. The auxiliary has purchased more than $25,000 worth of equipment in this financial year alone. I congratulate the tireless efforts of president Doreen Nason; vice-president Val Griffiths; second vice-president Shirley Steven; secretary Ann Andrews; and treasurer June Roberts. I was honoured to be asked to chair the meeting.

There are many other well-deserved organisations that I would also like to acknowledge but time is going to inhibit me. But it is appropriate that in this place we continue to acknowledge the wonderful efforts of people that work tirelessly in their communities, whether it be Rotary, Lions or hospital boards. To each of them, I thank them personally.

National Disability Insurance Scheme

Mr Lyons (Bass) (12:57): I rise in the chamber today to speak on the National Disability Insurance Scheme. Labor believes that all Australians deserve care and support if they acquire or are born with a disability. We believe that no-one should be left behind, that accident or disability should not take away the chances for a decent life.

This is good news for people with a disability, their families and carers in our community. It means that next year Australians with a disability in the launch sites will begin to receive the care and support under a National Disability Insurance Scheme. I am very thankful that Tasmania is included in the launch. There is strong local support in my electorate of Bass for
this initiative. The people of Tasmania are thrilled that the Gillard Labor government is getting on with the job of building the NDIS. I was lobbied by many parents, organisations and advocates for the NDIS. Some of the strongest voices that come to mind were from Margaret Reynolds, Jane Wardlaw and the team from St Giles, such as Ian Wright and Danielle Blewett. The launch will commence in the middle of next year, a full year ahead of the timetable that the Productivity Commission proposed. We are doing this because we know that Australians with a disability have waited long enough. The critical stage will give us vital information as we progress the national rollout.

For people with a disability in these locations the launch means that they will have their care needs assessed by a new disability insurance agency. They will start work on their individual care plans with local coordinators. They will be able to choose the services and providers that best meet their needs.

We the Gillard Labor government have proven that we are prepared to do the heavy lifting to bring about this fundamental reform, yet, as we know, the conservative Liberal states play politics on the issue and deny thousands of Australians the right to better care. Five state leaders have shown their willingness to be part of the launch.

It is disappointing that Premier Campbell Newman has chosen to play politics with the lives of Queenslanders with a disability, instead of making this crucial reform happen. One in five people in our community have a disability. Many of these people struggle to get the services and support that they deserve. Caring for those who are vulnerable is deeply embedded in the Labor cause. We know that it is not the case with some of those opposite. We know that, every chance they get, the conservative Liberal governments run their agenda of supporting big corporations over the little guy.

The National Disability Insurance Scheme will give people with a disability the kind of care and support that we expect for them and give all Australians the confidence that, if they acquire a disability or a child or grandchild is born with a disability, they will get the care and support they need. It will deliver quality care and support to people with a disability regardless of how they acquired their disability or where they live. It will provide opportunities for people with a disability and their families and carers, with the breakdown of barriers to work, education and being involved in their communities.

The Liberals want people with a disability to wait, just as they waited for 12 years under the Howard government. What we have shown is that we are not going to wait around while the Liberals battle it out. We do not think that people with a disability should have to wait around either. The coalition had 12 long years to act on services for people with a disability, and they sat on their hands. They stood by while demand grew for disability services and while disability pensioners struggled with the cost of living. They failed to invest in services. The Howard cabinet also rejected increases in pensions despite the growing cost-of-living pressure on people with a disability. Under the former coalition government, Commonwealth contributions to disability funding grew by a measly 1.8 per cent a year, less than the rate of inflation. In other words, funding went back.

Every Australian counts. A person who is born with a disability or acquires a medical disability should not receive inferior services to a person who acquires a disability in a motor vehicle accident. I am pleased to be part of a government that cares for the vulnerable. This is
a great Labor reform. I know it will make a big difference to the lives of many in my electorate and around Australia.

Question agreed to.

Federation Chamber adjourned at 13:02
QUESTIONS IN WRITING

Health and Ageing

(Question No. 643)

Dr Southcott asked the then Minister for Health and Ageing, in writing, on 11 October 2011:

In respect of the GP Super Clinics Program, (a) how many organisations have submitted an operational plan (i) on or before, or (ii) after, the date specified in the deliverables and milestones schedule of their funding agreement; and (b) on how many occasions has the Commonwealth notified an organisation that the operational plan (i) requires amendment, or (ii) is acceptable.

Ms Plibersek: The answer to the honourable member’s question is as follows:

(a) As at the date of this Question on Notice there were 14 operational GP Super Clinics with an operational plan specified in the Milestone Schedule of the Funding Agreement. Of these:

(i) 10 organisations had submitted an operational plan on or before the due date specified in the Milestone Schedule of the Funding Agreement; and

(ii) four organisations had submitted an operational plan after the due date specified in the Milestone Schedule of the Funding Agreement.

(b) As at the date of this Question on Notice:

(i) there were 10 instances where the Commonwealth notified an organisation that the operational plan required amendment; and

(ii) there were 14 Clinics that were notified that the operational plan was acceptable.

Defence

(Question No. 1062)

Mr Robert asked the Minister for Defence, in writing, on 18 June 2012:

In respect of the position of Associate Secretary Capability, (a) what was the business case for establishing the position, (b) on what date was the decision made to cut the position, (c) how far had recruiting progressed for filling the position, (d) what sum of money had been spent on recruiting to that position, and (e) what was the business case for no longer establishing the position.

Mr Stephen Smith: The answer to the honourable members question is as follows:

(a) On 9 August 2011, the Minister for Defence announced two new Associate Secretary positions. The Associate Secretary Capability position was created on the advice of the former Secretary of the Department of Defence with the intent of introducing further delivery of integrated capability development, acquisition and sustainment within the Kinnaird/Mortimer framework.

(b) The decision to no longer proceed with the recruitment to the Associate Secretary Capability position was made on 3 May 2012 on the advice of current Secretary, when it was announced that the General Manager Submarines position would be created.

(c) A selection process commenced in November 2011 to fill the Associate Secretary Capability position was made on 3 May 2012 on the advice of current Secretary, when it was announced that the General Manager Submarines position would be created.

(d) A selection process commenced in November 2011 to fill the Associate Secretary Capability position. A draft selection report had been received but not actioned.

(d) A total figure of $96,795.89 was spent on recruitment for the Associate Secretary Capability position.

(e) The Secretary of Defence determined that a senior officer to provide coordinated oversight and outreach across Government and industry to successfully progress the current and future submarines projects was of greater importance at this time than pursuing an Associate Secretary Capability position.
Defence
(Question No. 1065)

Mr Robert asked the Minister for Defence, in writing, on 18 June 2012:

1) Can he confirm whether the Australian Defence Force (ADF) Gap Year Program has been
   (a) shelved; if so, for how long, or
   (b) cut altogether.
2) In respect of the ADF Gap Year program,
   (a) since inception how many people have joined, and
   (b) how many program participants have transferred to (i) the regular ADF, and (ii) the ADF’s Reserve Forces.
3) Has Defence conducted any modelling or conducted any investigations into the effect cutting the ADF Gap Year Program will have on personnel in terms of recruitment and retention.
4) At
   (a) one week,
   (b) one month, and
   (c) three months, prior to the release of the 2012-13 federal budget, how many ADF Gap Year program participants were,
      (i) on the program, and
      (ii) accepted into the program but were not yet to commence.
5) Will ADF Gap Year program participants already on the program be forced to finish early; if so, what compensation will they be offered.
6) Will compensation be offered to ADF Gap Year program participants accepted into the program, but who had not yet commenced.
7) Can he confirm whether ADF personnel will be worse of as a result of the Government’s decision to cut the program for
   (a) current ADF Gap Year participants, and
   (b) ADF Gap Year participants accepted into the program but who have not yet commenced.

Mr Stephen Smith: The answer to the honourable member’s question is as follows:

1) (a) and (b) The program has been cancelled.
2) (a) Since Financial Year 2007-08 there have been 2,495 Gap Year program participants.
   (b) (i) and (ii) Defence does not have information available by year. On 1 May 2012 there were 700 former Gap Year participants serving in the permanent Australian Defence Force.
3) No. Defence will continue to use other recruitment options that allow for a reduced initial period of minimum service of 12 months, meaning that a similar experience to the gap year program can be provided.
(4) (a), (b) and (c) (i) and (ii)—

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<th>Three months prior to cancellation (30 Jan 12)</th>
<th>One month prior to cancellation (31 Mar 12)</th>
<th>One week prior to cancellation (30 Apr 2012)</th>
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<tr>
<td>Number on Program accepted but not commenced</td>
<td>216</td>
<td>168</td>
<td>201</td>
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(5) Current Gap Year participants will not be forced to finish the program early.

(6) One candidate was provided with an offer of employment but chose not to pursue an alternate avenue of entry. The candidate was given five months notice prior to their enlistment date and no request for compensation has been received from the applicant.

(7) (a) Participants in the Gap Year Scheme will not be worse off as they will be able to complete their commitment. (b) The one candidate affected was provided with five months notice, prior to their enlistment date, of the Gap Year program closure and informed of other career options which were declined.

Tertiary Education, Skills, Science and Research

(Question No. 1084)

Mr Briggs asked the Minister representing the Minister for Tertiary Education, Skills, Science and Research, in writing, on 20 June 2012:

For (a) 2008-09, (b) 2009-10, (c) 2010-11, and (d) 2011-12, what was the total cost of overseas travel for departmental staff.

Mr Combet: The answer to the honourable member's question is as follows:

(a) 2008-09 - $5,748,732
(b) 2009-10 - $7,618,442
(c) 2010-11 - $7,967,882
(d) 2011-12 - $8,287,935

Defence

(Question No. 1088)

Mr Briggs asked the Minister for Defence, in writing, on 20 June 2012:

For (a) 2008-09, (b) 2009-10, (c) 2010-11, and (d) 2011-12, what was the total cost of overseas travel for departmental staff.

Mr Stephen Smith: The answer to the honourable member's question is as follows:

(a) For the financial year 2008-09, Defence spent $69.2m on overseas business related travel for departmental staff.
(b) For the financial year 2009-10, Defence spent $64.7m on overseas business related travel for departmental staff.
(c) For the financial year 2010-11, Defence spent $70.9m on overseas business related travel for departmental staff.
(d) For the financial year 2011-12, Defence spent $83.5m on overseas business related travel for departmental staff.
Industry and Innovation
(Question No. 1103)

Mr Briggs asked the Minister for Industry and Innovation, in writing, on 20 June 2012:
For (a) 2008-09, (b) 2009-10, (c) 2010-11, and (d) 2011-12, what was the total cost of overseas travel for departmental staff.

Mr Combet: The answer to the honourable member's question is as follows:
Please refer to the answer provided to House of Representatives Parliamentary Question on Notice 1084.

Health and Ageing
(Question Nos 1105 and 1109)

Mr Briggs asked the Minister for Health, in writing, on 20 June 2012:
For (a) 2008-09, (b) 2009-10, (c) 2010-11, and (d) 2011-12, what was the total cost of overseas travel for departmental staff.

Ms Plibersek: The answer to the honourable member's question is as follows:
(a) 2008-09 $2,548,158
(b) 2009-10 $2,515,344
(c) 2010-11 $2,340,155
(d) 2011-12 $2,385,713

Note the figures above include travel costs for the Therapeutic Goods Administration and National Health and Medical Research Council.

Small Businesses
(Question No. 1110)

Mr Briggs asked the for Minister for Small Business, in writing, on 20 June 2012:
For (a) 2008-09, (b) 2009-10, (c) 2010-11, and (d) 2011-12, what was the total cost of overseas travel for departmental staff.

Mr Brendan O'Connor: The answer to the honourable member’s question is as follows:
Please refer to the answer provided to House of Representatives Parliamentary Question on Notice 1084.