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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 Vamvakinou MP,
Mr Anthony Harold Curties Windsor MP

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

Party Leaders and Whips
Australian Labor Party

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

Liberal Party of Australia

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

The Nationals

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

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<tr>
<td>Vasta, Ross Xavier</td>
<td>Bonner, QLD</td>
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<tr>
<td>Washer, Malcolm James</td>
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<td>Denison, TAS</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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</tbody>
</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
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<tr>
<td><strong>Prime Minister</strong></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><strong>Minister for Social Inclusion</strong></td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>Minister Assisting the Prime Minister on Mental Health Reform</td>
<td>The Hon Mark Butler MP</td>
</tr>
<tr>
<td>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>
</tr>
<tr>
<td><strong>Treasurer</strong></td>
<td>The Hon Wayne Swan MP</td>
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<tr>
<td>(Deputy Prime Minister)</td>
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</tr>
<tr>
<td><strong>Minister for Financial Services and Superannuation</strong></td>
<td>The Hon Bill Shorten MP</td>
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<tr>
<td>Assistant Treasurer</td>
<td>The Hon David Bradbury MP</td>
</tr>
<tr>
<td>Parliamentary Secretary to the Treasurer</td>
<td>The Hon Bernie Ripoll MP</td>
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<tr>
<td><strong>Minister for Tertiary Education, Skills, Science and Research</strong></td>
<td>Senator the Hon Chris Evans</td>
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<tr>
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<tr>
<td><strong>Minister for Industry and Innovation</strong></td>
<td>The Hon Greg Combet AM MP</td>
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<tr>
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<td>The Hon Brendan O’Connor MP</td>
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<td>The Hon Sharon Bird MP</td>
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<td><strong>Minister for Regional Australia, Regional Development and Local</strong></td>
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<tr>
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<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>
</tr>
<tr>
<td><strong>Shadow Minister for Trade</strong></td>
<td>The Hon Teresa Gambaro MP</td>
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<tr>
<td>(Deputy Leader of the Opposition)</td>
<td></td>
</tr>
<tr>
<td><strong>Shadow Minister for Infrastructure and Transport</strong></td>
<td>The Hon Warren Truss MP</td>
</tr>
<tr>
<td>(Leader of The Nationals)</td>
<td>Mr Darren Chester MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for Employment and Workplace Relations</strong></td>
<td>Senator the Hon Eric Abetz</td>
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<tr>
<td>(Leader of the Opposition in the Senate)</td>
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</tr>
<tr>
<td><strong>Shadow Attorney-General</strong></td>
<td>The Hon Sussan Ley MP</td>
</tr>
<tr>
<td><strong>Shadow Minister for the Arts</strong></td>
<td>Senator the Hon George Brandis SC</td>
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<tr>
<td>(Deputy Leader of the Opposition in the Senate)</td>
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<tr>
<td><strong>Shadow Minister for Justice, Customs and Border Protection</strong></td>
<td>Mr Michael Keenan MP</td>
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<td><strong>Shadow Parliamentary Secretary to the Shadow Attorney-General</strong></td>
<td>Senator Gary Humphries</td>
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<tr>
<td><strong>Shadow Treasurer</strong></td>
<td>The Hon Joe Hockey MP</td>
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<tr>
<td>Shadow Assistant Treasurer and Shadow Minister for Financial Services and Superannuation</td>
<td>Senator Mathias Cormann</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Tax Reform</strong></td>
<td>The Hon Tony Smith MP</td>
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<tr>
<td>(Deputy Chairman, Coalition Policy Development Committee)</td>
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<tr>
<td><strong>Shadow Minister for Education, Apprenticeships and Training</strong></td>
<td>The Hon Christopher Pyne MP</td>
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<tr>
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<tr>
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<td><strong>Shadow Minister for Youth and Sport</strong></td>
<td>Mr Luke Hartsuyker MP</td>
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<tr>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Regional Education</strong></td>
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<tr>
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<tr>
<td><strong>Shadow Minister for Regional Development, Local Government and Water</strong></td>
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<tr>
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<tr>
<td><strong>Shadow Minister for Regional Development</strong></td>
<td>The Hon Bob Baldwin MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Northern and Remote Australia</strong></td>
<td>Senator the Hon Ian Macdonald</td>
</tr>
<tr>
<td>Title</td>
<td>Shadow Minister</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for Local Government</strong></td>
<td>Mr Don Randall MP</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for the Murray-Darling Basin</strong></td>
<td>Senator Simon Birmingham</td>
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<tr>
<td><strong>Shadow Minister for Finance, Deregulation and Debt Reduction</strong></td>
<td>The Hon Andrew Robb AO MP</td>
</tr>
<tr>
<td>(Chairman, Coalition Policy Development Committee)</td>
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<tr>
<td>Shadow Special Minister of State</td>
<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>
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<tr>
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<td>Senator the Hon David Johnston</td>
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<tr>
<td>Shadow Minister for Defence Science, Technology and Personnel</td>
<td>Mr Stuart Robert MP</td>
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<tr>
<td>Shadow Minister for Veterans' Affairs and Shadow Minister Assisting the Leader of the Opposition on the Centenary of ANZAC</td>
<td>Senator the Hon Michael Ronaldson</td>
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<tr>
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<td>Senator Gary Humphries</td>
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<tr>
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<td>Senator the Hon Ian Macdonald</td>
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<td>Shadow Minister for Regional Communications</td>
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<tr>
<td>Shadow Minister for Ageing</td>
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<tr>
<td>Shadow Minister for Mental Health</td>
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<td>Dr Andrew Southcott MP</td>
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<tr>
<td><strong>Shadow Minister for Families, Housing and Human Services</strong></td>
<td>The Hon Kevin Andrews MP</td>
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<td>The Hon Bronwyn Bishop MP</td>
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<tr>
<td>Shadow Minister for Disabilities, Carers and the Voluntary Sector (Manager of Opposition Business in the Senate)</td>
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<td>Shadow Minister for Housing</td>
<td>Senator Marise Payne</td>
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<td><strong>Shadow Parliamentary Secretary for Supporting Families</strong></td>
<td>Senator Cory Bernardi</td>
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<tr>
<td><strong>Shadow Parliamentary Secretary for the Status of Women</strong></td>
<td>Senator Michaelia Cash</td>
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<tr>
<td><strong>Shadow Minister for Climate Action, Environment and Heritage</strong></td>
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<td><strong>Shadow Parliamentary Secretary for Environment</strong></td>
<td>Senator Simon Birmingham</td>
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<td>The Hon Teresa Gambaro MP</td>
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<tr>
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<tr>
<td>Title</td>
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<td>The Hon John Cobb MP</td>
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The DEPUTY SPEAKER (Ms AE Burke) took the chair at 09:00, made an acknowledgement of country and read prayers.

**BILLS**

**Social Security and Other Legislation Amendment (Further 2012 Budget and Other Measures) Bill 2012**

**First Reading**

Bill and explanatory memorandum presented by Ms Macklin.

Bill read a first time.

**Second Reading**

Ms MACKLIN (Jagajaga—Minister for Families, Community Services and Indigenous Affairs and Minister for Disability Reform) (09:02): I move:

That this bill be now read a second time.

This bill introduces several measures from the 2012 budget, along with some non-budget amendments that clarify current budget policies and improve the operation of existing legislation.

**Extending Cape York Welfare Reform Trial**

In the 2012 budget, the Gillard government provided $11.8 million to extend the Cape York Welfare Reform Trial for 12 months to 31 December 2013.

The trial is a partnership between the communities of Aurukun, Coen, Hope Vale and Mossman Gorge; the Australian government; the Queensland government; and the Cape York Institute for Policy and Leadership. It aims to restore local Indigenous authority, encourage positive behaviours and improve economic and living conditions.

To date, the trial has made a real and lasting difference in the lives of Indigenous people on the cape. Since it began in July 2008, the Cape York welfare reform communities have seen improvements in school attendance, care and protection of children, and community safety.

The Family Responsibilities Commission, which is established under Queensland government legislation, is a key plank of Cape York welfare reform. Local family responsibility commissioners hold conferences with community members, refer people to support services and, when necessary, arrange income management.

Currently, a person can be subject to income management under the trial only after a decision by the Family Responsibilities Commission made before 1 January 2013.

This bill extends that date to 1 January 2014. The extension provides an opportunity to build on the success of the initiatives already underway.

I am pleased that the Queensland government has agreed to continue funding for the Family Responsibilities Commission and will extend the Queensland legislation governing the operation of the commission.

An evaluation of the trial is currently underway and will help inform future efforts in Cape York.

**Indigenous education payments**

In a significant boost to Indigenous education, the bill also amends the Indigenous Education (Targeted Assistance) Act 2000 to increase the act’s legislative appropriation—by around $16 million combined for the 2012 and 2013 calendar years.

The increase to the 2012 and 2013 appropriations reflects the continuation of
existing initiatives and new initiatives announced in the 2012-13 budget.

The increase in the appropriations for 2012 and 2013 will continue existing initiatives and provide funding for several new initiatives, including expansion of the Sporting Chance Program, Teach Remote Stage 2, Student Education Trusts delivered as part of the Cape York Welfare Reform Trial, and initiatives that support teachers, professional development and front-line services to improve Aboriginal children’s access to quality education.

The existing Sporting Chance Program uses sport and recreation to increase the engagement of Aboriginal and Torres Strait Islander students in their schooling. Students are rewarded for good school attendance or engagement through participation in sporting teams or access to certain intensive, high-quality, sports focused learning and development. New school based sports academies will now be established and operated to deliver the program for secondary school boys, and there will be additional programs for secondary school girls.

Additional funding under the Teach Remote Stage 2 initiative will expand Commonwealth funded assistance with building a high-status, high-quality, committed and competent teacher workforce in remote Indigenous communities that are under the National Alliance of Remote Indigenous Schools.

Additional funding will also extend for 12 months for the Student Education Trusts measures that form part of the Cape York Welfare Reform Trial. The Student Education Trusts are a financial management service whereby parents and care givers from the remote Indigenous communities in the Cape York area are supported and encouraged to save for their children’s education costs from their early years through to tertiary education.

**Non-budget amendments**

The bill also introduces some non-budget amendments to clarify current government policies and improve the operation of existing legislation.

These include a package of minor amendments to improve the operation of the Social Security Appeals Tribunal in the social security, child support, family assistance and paid parental leave jurisdictions. For example, some amendments will enable Social Security Appeals Tribunal members to release protected information to relevant authorities in certain circumstances where there is a risk to the life, health or welfare of a person.

Amendments also improve privacy protections for information and documents. The Social Security Appeals Tribunal principal member will be able to issue a non-disclosure order that applies to any information or documents obtained by a person at any time during the review process. Amendments also extend confidentiality obligations to all people providing services at the hearing of the review.

The objective of the Social Security Appeals Tribunal is to provide a mechanism of review that is fair, just, economical, informal and quick. Amendments clarify that this objective is to be pursued by the principal member in performing his or her functions and powers under the legislation.

Amendments are made by this bill to the child support legislation to confirm the longstanding policy and administration where the amount payable under a parent’s child support assessment is reduced because a court decides that the payer is not a parent of one of the children in their assessment, but the payer remains liable for another child in the assessment.
The policy is that the total amount previously paid for the period (including amounts paid for the child that was found to be not theirs) would be applied to their child support liability for any remaining children in the case, and any child support debt for those children. Any excess child support they paid may be recovered from the payee by applying for a court order under the existing child support legislation.

Finally, minor clarifications are made to portfolio legislation, including the Schoolkids Bonus legislation and the family assistance clean energy legislation—consistent with existing policy.

I commend the bill to the House.

Debate adjourned.

Dental Benefits Amendment Bill 2012
First Reading

Bill and explanatory memorandum presented by Ms Plibersek.

Bill read a first time.

Second Reading

Ms PLIBERSEK (Sydney—Minister for Health) (09:10): I move:

That this bill be now read a second time.

Since I came into this parliament I have been talking about the importance of better dental health for all Australians. Over the course of my work as a member of parliament and as a local member, and certainly in my time as Minister for Health, I have seen so many examples of the importance of better teeth for Australians. One of the very early constituent issues I had that has stayed with me throughout my career involved a woman who had had a very difficult life. She had been a victim of domestic violence and was now a single mum with two kids. They were living in public housing in my electorate. Her son, against many hurdles, had won a scholarship to a very prestigious school in Sydney.

In fact, she did not contact me herself; her neighbour contacted me and said that she could not go with her son on his first day because she did not have any teeth and she was too embarrassed and did not want to humiliate her son by turning up with her teeth having been extracted. She had been waiting months and months for new dentures, because she was relying on the public dental system. That story has always stayed with me because it was such a strong message to me about the way that bad teeth can exclude you not just from getting a job and not just from economic participation but also from social participation, the normal social interactions that people should be able to take for granted. We have heard so many stories about older people not wanting to go out for afternoon tea with their friends because they are worried about not being able to chew the food on the table. I have seen so many children, including in my own electorate, with little brown stumps instead of teeth, because their baby teeth had not been taken care of. Some people think that baby teeth do not matter. In fact, Senator Lin Thorp told me that in her early days she told a young girl she had met, 'You know you have to start looking after your teeth.' This girl alternated between having a pack of hot chips for lunch one day and a tub of ice-cream for lunch the next day. Senator Thorp told her that she could not allow her teeth to fall out to which the girl said, 'Well, I lost one lot and they grew back.' She thought that she would just keep getting new teeth as the old ones rotted away.

We have a huge challenge in Australia to ensure that our oral health opportunities are as strong as the opportunities we have to look after the rest of our bodies. For many decades the dental health of children has been improving, but in fact since the 1990s
we have started to see a reversal of that trend.

Since the late 1990s, the prevalence of child caries and the mean number of teeth affected by dental disease in children has increased. A recent Australian Institute of Health and Welfare report showed that 45 per cent of 12-year-olds had decay in their permanent teeth and almost 25 per cent of 12-year-olds had untreated decay. If a decline in oral health of children becomes established, we are going to see a need for increased services in the future.

Investment in our children’s teeth is an investment in the future. We know that poor childhood oral health leads to poor adult oral health. You are not going to have bad teeth as a kid and have good teeth as an adult. This has wide-ranging impacts not just on dental health but of course on general health and wellbeing, including, in the worst cases, increasing the demand on our health and hospital system.

So today, I am very proud to be introducing the first step in the legislative process that will make almost 3½ million children eligible for taxpayer supported dental care. The Child Dental Benefits Schedule is one part of the Dental Health Reform package: an unprecedented package of initiatives to address increasingly poor oral health among Australians including our children, low-income adults and those living in outer metropolitan, rural and remote areas.

The six-year package I announced on 29 August includes:

$2.7 billion for around 3.4 million Australian children who will be eligible for subsidised dental care;

$1.3 billion for around 1.4 million additional services for adults low-income earners who will have better access to dental care in the public system; and

$225 million for dental capital and workforce measures, aimed to provide expanded services for people living in outer metropolitan, regional, rural and remote areas.

While Medicare and free hospital treatment been a basic right for Australians for decades, millions of people in this country still go without adequate dental care.

I believe we have a responsibility to ensure that Australians who are least able to afford to go to the dentist, particularly children, should be given access to taxpayer supported oral health care.

As I have travelled around Australia to discuss the Dental Health Reform package with parents, with young people and with dental professionals, I have listened to so many stories of children in need of dental care, and the great work that dentists, public and private, are doing to repair young mouths, prevent further harm, and keep them healthy. This bill will see the Commonwealth government taking its share of this important work.

This bill will establish a Child Dental Benefits Schedule for children from the age of two until they turn 18. Access to the schedule will commence on 1 January 2014 and will effectively see the Commonwealth assume primary responsibility of funding basic dental services for children in families receiving Family Tax Benefit Part A. Funding will be targeted in line with current Medicare Teen Dental Plan eligibility. This will target expenditure to children in low- and middle-income families.

This means that benefits will be available for children who receive (or in households that receive) payments under:

- Family Tax Benefit Part A;
- Abstudy;
- Carer Payment;
Disability Support Pension;
Parenting Payment;
Special Benefit;
Youth Allowance;
Double Orphan Pension;
the Veterans’ Children Education Scheme; or
the Military Rehabilitation and Compensation Act Education and Training Scheme.

Currently, a family of two parents and two kids can be earning as much as $112,000 and be eligible for Family Tax Benefit Part A, but of course eligibility will vary depending on indexation at the time and on the number of children in the family.

The Child Dental Benefits Schedule will provide a benefit for basic dental services including prevention and treatment. Subsidised services will include, for example, check-ups, fillings and extractions. However, items such as orthodontics will not be included.

This proposal will provide a Commonwealth funded capped benefit entitlement of $1,000 over two years for basic dental services for children that could be used for services in the private sector, where most dentists practice. The states and territories would also be able to provide services as they currently do under the Medicare Teen Dental Plan, as long as they bulk-bill those services.

This means that parents and independent teens will be able to continue to visit their usual dentist, provided that dentist participates in the scheme. Including the public system will leverage existing state resources, provide a guaranteed no-cost pathway for those who really need it, and allow states to continue to provide services to children if they choose to do so.

Benefits would be available for services provided by dentists and para-dental professionals such as oral health therapists and dental hygienists, as currently provided for by the Medicare Teen Dental Plan. The level of this $1,000 cap is designed to allow coverage for higher-needs children, but the average amount spent per child is expected to be lower.

This bill is a first step in implementing this government’s dental reforms. Further detail on the scheme, including the schedule of services and fees, will be contained in subordinate legislation.

In designing the fee schedule under the Child Dental Benefits Schedule, I will consult with oral health professionals to ensure that it contains an appropriate mix of basic dental services. I will also seek to ensure that the access to the schedule by professionals and the fee structure will encourage appropriate levels of servicing and the matching of workforce capability with oral health need.

Although states and territories currently provide services to children through the public sector, eligibility and service availability is not consistent across all states and territories. The introduction of a Commonwealth funded Child Dental Benefits Schedule would build a unified national system for patient eligibility and service delivery, replacing disparate state and territory public dental schemes for children.

Focusing Commonwealth funding on children through the Child Dental Benefits Schedule will address declining child oral health and will be a cost-effective longer-term strategy to deliver improved population-wide oral health into the future.

As part of the Dental Reform Package, the Gillard government is providing $1.3 billion to states and territories under a National
Partnership Agreement to expand public dental services for low-income adults, including pensioners and concession card holders, and those with special needs. This funding will depend on the states and territories at least maintaining their current level of dental care services.

In addition, $225 million in funding for dental infrastructure in outer metropolitan, rural and regional areas will assist more Australians, regardless of their location, to gain access to high quality dental care.

As part of implementing the Dental Health Reform package, the Howard government’s Chronic Disease Dental Scheme will be closed. Unlike the initiatives in the Dental Reform Package, the Chronic Disease Dental Scheme is poorly targeted and fails to address the problems in the existing dental system.

This dental reform package is in addition to the $515 million announced in the 2012-13 budget, which includes a blitz on public dental waiting lists and additional dental training and support for people in rural and remote areas. Together with these measures, the dental reform package will deliver a better and fairer system of dental health care for Australians that is accessible and affordable and focuses on prevention to deliver future improvements in Australia’s oral health.

And if I may I will take one final minute to say that the introduction of this children's dental scheme really represents the life work of many people in the dental health profession—the members of the Dental Advisory Council that advised me on how we might improve Australia's dental health system; many public and private dentists across the country who have campaigned for this; other oral health professionals and academics; the staff of the Department of Health and Ageing; and, in my own office, Kate Lee. So many people have put so many years of thought, effort and fight into providing a system that will mean that the children of Australia will be able to get dental care that meets their needs for both prevention and treatment.

Debate adjourned.

Corporations Legislation Amendment (Derivative Transactions) Bill 2012

First Reading

Bill and explanatory memorandum presented by Mr Shorten.

Bill read a first time.

Second Reading

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (09:23): I move:

That this bill be now read a second time.

Today I introduce a bill to amend the Corporations Act 2001.

The Corporations Legislation Amendment (Derivative Transactions) Bill 2012 contains measures to implement commitments made by Australia and other G20 nations regarding the regulation of over-the-counter derivatives.

The global OTC derivatives market is enormous. At end of 2011 the Bank for International Settlements reported that the total notional amount outstanding for OTC derivatives worldwide was $648 trillion.

The global financial crisis highlighted structural deficiencies in the OTC derivatives market and the systemic risks that those deficiencies can pose for wider financial markets and the real economy.

In many countries, these structural deficiencies contributed to the build-up of large, insufficiently risk-managed, counterparty exposures between some market participants in advance of the global financial crisis.
financial crisis, and to the lack of transparency about those exposures for market participants and regulators.

At the G20 summit in Pittsburgh in 2009, the Australian government joined other jurisdictions in committing to substantial reforms to practices in the OTC derivatives market. The three key G20 commitments addressed by the bill are:

- the reporting of OTC derivatives to trade repositories;
- the clearing of standardised OTC derivatives through central counterparties; and
- the execution of standardised OTC derivatives on exchanges or electronic trading platforms, where appropriate.

These commitments are intended to:

- increase transparency in the OTC derivatives market for regulators, market participants and the public; and
- reduce counterparty credit risks and operational risks associated with OTC derivatives.

The implementation of the G20 commitments is being coordinated and monitored by the Financial Stability Board, the FSB. The FSB has called on all jurisdictions to aggressively push ahead to achieve full implementation of market changes by the end of 2012 to meet the G20 commitments in as many reform areas as possible.

In Australia, extensive consultation on implementing the G20 commitments has been conducted by the Council of Financial Regulators, which is comprised of the Reserve Bank of Australia, the Australian Prudential Regulation Authority, the Australian Securities and Investments Commission and the Australian Treasury.

The public consultation process was wide-ranging and comprehensive. A call for submissions was made following the release of a public consultation paper. Most of the submissions received were from the financial services sector, both in Australia and overseas. Further face-to-face consultations were subsequently held with interested parties.

The legislative framework

This bill amends the Corporations Act 2001 to allow for regulations and rules to be put in place to implement the G20 commitments in a form flexible enough to deal with changing market conditions and to impose any future obligations on a coordinated basis with other nations.

Under the legislative framework introduced in the bill the minister will be empowered by the Corporations Act to prescribe certain classes of derivatives. Once a class of derivatives is prescribed, ASIC will have the power to issue rules to establish one or more mandatory obligations (reporting, clearing or execution) for transactions in that class. The bill contains a range of checks and balances in relation to this rule-making power, including a requirement that ASIC consult and obtain ministerial consent for any new rules.

It is intended that Australia’s financial regulators will conduct ongoing assessment and advise the government on whether various derivative classes should be made subject to trade reporting, central clearing and on-platform execution requirements. This will build on earlier assessments and consultations as well as assessments that are currently underway.

It is important to note that prior to making any decision to mandate reporting, central clearing or use of trading execution venues, the government will engage with
stakeholders further and consider any advice from the Council of Australian Regulators. The bill will provide a high degree of flexibility in implementing trading, clearing and on-platform trading mandates. The regime can therefore be readily adapted to overseas regulatory developments. This flexibility will enable Australia’s financial regulators to work with their international counterparts to ensure a unified approach to regulation of the global OTC derivatives markets.

Consistent implementation by all economies is important to reduce systemic risk and the risk of regulatory arbitrage that could arise if there are significant gaps in implementation. International cooperation and flexibility will also help to avoid unintended consequences of national laws such as the burden on businesses of duplicated or conflicting rules and the costs of reduced access to international markets.

**Trade repositories**

As well as facilitating the possible introduction of trade reporting requirements, the legislation sets out a new licensing regime for trade repositories. Trade repositories will record derivative trade data and make it available to relevant regulators. This information can be used by regulators for monitoring market integrity and stability. Trade repositories also have the potential to facilitate efficiency improvements in post-trade processing and production of high-level statistical data for market use.

This licensing regime is based upon existing licensing regimes for financial markets and clearing and settlement operators, but adapted for the different role that this new form of market infrastructure entity will play. A key aspect of the regime is the strong protections against improper use and disclosure of reported derivative trade data.

**Consequential amendments**

In addition to the key reforms I have outlined, the bill also contains consequential amendments to the Australian Prudential Regulation Authority Act 1998, the Australian Securities and Investments Commission Act 2001, the Mutual Assistance in Business Regulation Act 1992, and the Reserve Bank Act 1959.

These amendments relate largely to information sharing by, and the protection of the confidentiality of information held by, regulators.

**MINCO approval**

The Ministerial Council for Corporations has also been consulted on the amendments to the Corporations Act contained in this bill.

**Summing up**

In conclusion this bill establishes the legislative framework necessary for Australia to implement its G20 commitments in relation to OTC derivatives.

The legislative framework in this bill aims to bring transparency to OTC derivatives in Australia and improve OTC risk management practices.

Implementing these reforms in a globally coordinated way will not only ensure that the risk of regulatory arbitrage is avoided but also ensure that Australian businesses can continue to participate in global markets while being primarily regulated in Australia.

Passage of this bill will enable the making of rules that will ensure Australian investors can be confident that financial markets will continue to function with certainty and transparency. The bill provides regulators and the government with the tools necessary to improve risk management in the OTC derivatives market in a flexible way, taking account of ongoing analysis of market developments by Australia’s financial
Debate adjourned.

**Industrial Chemicals (Notification and Assessment) Amendment Bill 2012**

**First Reading**

Bill and explanatory memorandum presented by Ms King.

Bill read a first time.

**Second Reading**

Ms KING (Ballarat—Parliamentary Secretary for Infrastructure and Transport and Parliamentary Secretary for Health and Ageing) (09:32): I move

That this bill be now read a second time.

I am pleased to introduce the Industrial Chemicals (Notification and Assessment) Amendment Bill 2012 which amends the Industrial Chemicals (Notification and Assessment) Act 1989.

In summary that act establishes a system of notification and assessment of industrial chemicals to protect human health and the environment. The Department of Health and Ageing, through the National Industrial Chemicals Notification and Assessment Scheme, (NICNAS), administers that act. The activities of NICNAS underpin essential services across government agencies which collectively make up Australia’s regulatory system for industrial chemicals.

NICNAS activities are cost recovered through a combination of fees and charges levied on those persons or companies that introduce industrial chemicals into Australia through import or manufacture. For example, service fees apply to the assessment of new industrial chemicals introduced into Australia, an annual registration fee applies to all importers and manufacturers of relevant industrial chemicals, and an annual registration charge applies to all persons who introduce relevant industrial chemicals above a certain threshold value—these persons are known as ‘chargeable persons’. The annual registration charge funds the majority of NICNAS’s activities, including assessment of chemicals on the national inventory, compliance activities and stakeholder education and outreach.

NICNAS has reviewed its cost recovery arrangements in accordance with the Australian government guidelines, utilising a highly consultative process. Industry, community and government stakeholders were consulted through a range of mechanisms including public meetings, an online survey and two rounds of written submissions.

The resulting cost recovery impact statement was agreed by government. This bill amends the act to give effect to several outcomes from the NICNAS cost recovery impact statement.

The first set of amendments relates to annual registration charges.

As foreshadowed in the NICNAS cost recovery impact statement, the bill changes the threshold and tier structure for annual registration charges in order to provide a more equitable charging structure for business by better aligning the charge payable with the value of the relevant industrial chemicals introduced.

The number of registration tiers will be increased from three to four, and the threshold above which registrants pay a registration charge will be reduced from $500,000 to $100,000. This change will enable more than 2,500 low-value introducers to pay a lower registration amount from 2013-14. Only a small number of higher value introducers (less than 400) will pay a higher registration amount.

This amendment supports the very important work being done to assess the very
large number of unassessed chemicals that can legally be on the Australian market.

Currently, there are approximately 38,000 chemicals in the market which have not been assessed for health or environmental impacts. This is why that Australian Labor Party, in our platform, made a commitment to the efficient and timely assessment of all chemicals in order to provide the highest level of protection to the community.

Recently, I welcomed the launch of a framework which will provide a faster, more flexible and transparent approach to assess these chemicals.

This framework will be applied in a staged manner to determine the impact of these unassessed chemicals. Stage 1 began on 1 July this year, which sees the assessment of 3,000 chemicals over the next four years. A review to be undertaken in the fourth year is expected to make recommendations on the most efficient and effective approach to the assessment of the remainder of those unassessed chemicals on the national inventory. It is a very big task.

The second set of amendments introduces a new fee to recover the cost of processing applications for authorisation to import or export certain hazardous chemicals listed under the Rotterdam Convention (to which Australia is a signatory). This new fee-for-service arrangement will ensure that costs are recovered directly from those using the service, rather than being levied across all chargeable persons, as is currently the case. The proposed fee is small, and the number of companies accessing this service is low, therefore the impact on business is expected to be low.

The last cost-recovery impact statement measure in the bill amends the act to remove a redundant fee for certain applications relating to the listing of chemicals on the Australian Inventory of Chemical Substances made under transitional arrangements in 1997 only. This service is no longer operational.

The bill also makes a minor amendment to the act to improve clarity and consistency with other regulations. This is a consequential technical amendment arising from the new model work health and safety laws which commenced in the Commonwealth and some Australian states and territories on 1 January this year. Under those model laws, ‘material safety data sheets’ are now termed ‘safety data sheets’. The amendment does not change the substance of the definition of what is a ‘material safety data sheet’. For consistency, the bill also makes a corresponding amendment to the Agricultural and Veterinary Chemicals Code Act 1994, which currently cross-references the NICNAS Act. These minor technical amendments do not place any additional requirements on the industrial chemicals industry; they simply improve regulatory consistency.

I am very pleased to report that these amendments have been developed in close consultation with industry, government and the community. The proposed amendments enable NICNAS to provide more equitable cost-recovery arrangements for business. The bill does this while maintaining existing levels of worker safety, public health and environmental standards. And, as I stated, it also provides for the opportunity for the priority assessment of some 38,000 chemicals that sit on the register that are on the inventory that have not been assessed for health and safety, the first 3,000 of those to be done in the few years.

These amendments therefore represent a very important step in ensuring equity in regulatory charges and consistency across regulatory sectors. They reflect the government’s commitment to ensure the
The most efficient regulatory system is in place for industrial chemicals.

Debate adjourned.

Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012

First Reading

Bill and explanatory memorandum presented by Ms Bird.

Bill read a first time.

Second Reading

Ms BIRD (Cunningham—Parliamentary Secretary for Higher Education and Skills) (09:39): I move:

That this bill be now read a second time.

The Higher Education Support Amendment (Maximum Payment Amounts and Other Measures) Bill 2012 amends the Higher Education Support Act 2003 (HESA) to update the maximum payment amounts for other grants and Commonwealth scholarships and to authorise wider use and disclosure of personal information collected for the purposes of the act.

The maximum amounts for other grants under section 41-45, and Commonwealth scholarships under section 46-40, of the act are being updated to provide for indexation and other variations to funding amounts and to include the next funding year. The bill will allow the minister to determine, by legislative instrument, the maximum payment amounts for other grants and Commonwealth scholarships from 2013 onwards.

There have been annual administrative amendments to the act since its enactment in 2003 to provide for indexation. The continual cycle of amendments is not the most efficient method of updating these appropriation amounts. Allowing the maximum payment amounts to be determined by legislative instrument will avoid the need for recurrent amendments to the act.

The bill would also allow my department to disclose personal information required for a range of regulatory, quality assurance and planning purposes to a limited number of bodies only. Currently, the Higher Education Support Act does not allow the disclosure of personal information outside of my department. Information that can be used to identify individuals is considered to be personal information as defined by the Privacy Act. However, the government’s higher education reforms have highlighted the legitimate demand from a number of bodies for unit record level data relating to university staff and students.

The government established the Tertiary Education and Quality Standards Authority (TEQSA) to provide assurance about the quality of the higher education system. TEQSA has written to my department requesting access to unit record data to assist it in undertaking risk assessments of higher education providers. This bill will enable TEQSA to fulfil its regulatory functions in 2012 without the need for a separate data collection.

The Australian Skills Quality Authority (ASQA) requires access to unit record data to assess vocational education and training providers whose students are eligible for VET FEE-HELP loans.

Higher education and vocational education and training providers, their representative peak bodies, tertiary admission centres and state and territory governments require access to detailed information for the purposes of planning and quality assurance. The amendments aim to reduce the regulatory burden on providers who would otherwise have to supply the
information to the department and national regulators.

In addition, my department proposes to conduct surveys for the purposes of measuring the quality of teaching and learning. This will require my department to give a third-party services provider access to personal information to construct accurate and robust sample frames for surveys of staff, student and former students funded by the Australian government.

This approach has been endorsed by the Advancing Quality in Higher Education Reference Group in their report released in June 2012, and follows extensive consultation with the sector. Universities Australia has also advocated this approach to reduce the reporting burden on universities.

The bill includes strong provisions to ensure the personal information of staff and students is not misused or released publicly.

First, personal information will only be disclosed to organisations that have a legitimate need for access.

Second, recipients may only use the personal information for the purposes I have outlined, and they will not be permitted to 'on disclose' the information.

Third, recipients of personal information will remain bound by the Information Privacy Principles in the Privacy Act, HESA and by the Higher Education Data Protocols administered by my department.

All higher education and vocational education and training providers will need to ensure their privacy agreements are up to date so that students and staff are informed about potential uses and disclosure of their personal information.

In addition, the bill will include a provision that personal information obtained from a higher education or vocational education and training provider can only be disclosed to other providers and bodies with the consent of that provider. This provision will not apply to TEQSA, ASQA or state and territory governments since they require access to personal information to fulfil their regulatory or legislative functions.

Recipients of personal information will be working to enhance the standard of teaching and learning provided at all higher education providers.

This is part of the government’s commitment to maintaining the quality of our tertiary education system, while at the same time making the benefits of education and training available to an unprecedented number of Australians.

**Australian Research Council**

The bill also amends the Australian Research Council Act 2001 in order to provide administered funding to allow the ARC continue to support the highest-quality fundamental and applied research and research training through competitive selection processes across all disciplines, with the exception of clinical medicine and dentistry.

The appropriation bill supports the ongoing operations of the ARC to fund the high-quality research we need to address the great challenges of our time, to improve the quality of people’s lives, to support the development of new industries and to remain competitive in the global knowledge economy.

The ARC is the major source of funding for the innovative, investigator-driven research that has underpinned inventions ranging from the synchrotron, and is supporting research into tomorrow’s breakthrough technologies, such as the bionic eye.

ARC-funded research has and continues to play an important role in improving the
lives of Australians and addressing the big issues of our time. This includes, for example, our need to transform our manufacturing industries to create greener, healthier and more resilient processes and products. The government is proud that stronger steel and cleaner, safer cars could soon be manufactured in Australia thanks to research made possible with funding from the ARC.

Ongoing funding for the ARC is essential to the vitality of the Australian higher education system and our commitment to strengthen Australia’s research workforce. Excellent researchers across all areas of the university system must be able to compete for funding if we are to keep world-class academics in Australia, working in our universities and teaching the next generation.

It is important to note the key role the ARC has been and is playing in attracting more Indigenous Australians to academia and keeping more women in research careers. This includes, through the Discovery Indigenous scheme, the addition of two new Australian Laureate Fellowships specifically for women and the introduction of Research Opportunity and Performance Evidence (ROPE) to enable assessors to take into account any career interruptions, including those for childbirth and caring responsibilities.

Through these initiatives and through the whole NCGP, the ARC is helping us to reduce research career barriers and ensure the nation reaps the benefit of all of its research talent.

The ARC is not only supporting quality research and research careers; it is helping the government measure our research investment and assure taxpayers that their money is invested wisely.

I commend the bill to the House.

Debate adjourned.

COMMITTEES
Parliamentary Joint Committee on Human Rights
Report

Mr JENKINS (Scullin) (09:47): On behalf of the Parliamentary Joint Committee on Human Rights I present the committee’s second report of 2012, entitled Examination of legislation in accordance with the Human Rights (Parliamentary Scrutiny) Act 2011: Bills introduced 14-23 August 2012, Legislative Instruments registered with the Federal Register of Legislative Instruments 22 July-23 August 2012.

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

Mr JENKINS: by leave—In this second report of the Parliamentary Joint Committee on Human Rights, the committee has considered nine bills introduced during the period 14 August to 23 August 2012 and 146 legislative instruments registered with the Federal Register of Legislative Instruments between 23 July and 22 August 2012. Three of the bills do not engage human rights. One bill was introduced with a statement of compatibility claiming that the bill does not engage human rights but for which the committee considers it requires further information before it is able to form its own view. A further bill was introduced without a statement of compatibility. In each of these cases the committee proposes to write to the relevant minister and seek clarification before considering the bills further. The remaining four bills engage human rights. The committee considers that one of these bills is compatible with the rights engaged and that the committee requires further information to assist it in its consideration of the remaining three bills.

Once again I would like to emphasise that the committee seeks to work constructively
with the proponents of bills as they familiarise themselves with these requirements. The committee is particularly mindful of the needs of private members and senators in this regard. Private members and senators do not have the benefit of the resources of departments to support them as they familiarise themselves with the new requirements. The committee would urge private members and senators to contact the committee secretariat to seek assistance in locating relevant reference material and templates.

In considering its first tranche of legislative instruments, the committee notes that most of these instruments do not raise human rights compatibility concerns and have been registered with statements of compatibility that the committee considers to be adequate. A number of instruments have been introduced with statements of compatibility that do not fully meet the committee's expectations. As the instruments in question do not raise human rights compatibility concerns, the committee proposes to write to the relevant minister in a purely advisory capacity providing guidance on the preparation of statements of compatibility. The committee hopes that this approach will assist in the preparation of future statements of compatibility that conform more completely to the committee's expectations. The committee has identified six instruments that it considers appear to be compatible with human rights but for which it proposes to seek further clarification from the relevant minister.

In closing I would like to take this opportunity to once again place on record my thanks to the deputy chair, the member for Hasluck, and the other members of the committee and the members of the secretariat for their approach to the work of the committee, which I think has proceeded in a constructive manner. I thank the House for its attention this morning.

**BILLS**

Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

Mr HUNT (Flinders) (09:51): The Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill is not about the *Margiris*. This bill is about unfettered and arbitrary powers that are an attack on every recreational fishing community and every family fishing operation in Australia. This bill is not about protecting fish stocks and it has nothing to do with the *Margiris*. It has everything to do with a Trojan Horse operation that introduces a new level of ministerial power that is extraordinary, arbitrary and unfettered. We in this place are custodians of good governance and we have to deal with the issues. But this bill is the likes of which we have not previously seen. The powers are arbitrary, they are unfettered and they are plenary, and the fishing community, as well as the general community, has been sold a pup, because it has nothing to do with the supertrawler. It has everything to do with a knee-jerk reaction that will not deal with the problem but that absolutely confers unlimited executive authority on ministers, without any reference either to fact or to the ability to appeal. It confers the ability to destroy any small family fishing operation on the basis of the slightest issue of social concern raised by the Greens.

I now turn to the concerns the opposition has on three fronts with the Environment.
Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012, because this is the 'arbitrary ministerial powers bill'. The first of our concerns is about unlimited arbitrary ministerial powers. The second is about a chaotic process after the Minister for Sustainability, Environment, Water, Population and Communities, in his previous role as minister for fisheries, invited the Margiris into Australia, when he called in October 2009 for large-scale factory fishing vessels to come into Australia. That was not us. That was not the fishing community. A paper was signed off by the minister calling for large-scale factory fishing vessels to come into this country.

So that is the sovereign risk issue, which has already seen the announcement by Seafish that 50 Australian jobs will now be terminated. The question for the government is, will they compensate the long-term unemployed who had finally found a job and who, as of today, will not have that job? Will the Prime Minister compensate the long-term unemployed as part of the 50 Australians who are now losing their jobs? This is the live cattle issue on steroids. And it is a Trojan Horse, because it is an attack on every family fishing operation and every recreational fishing community in Australia.

Let me do something a little unusual and turn to the deep and specific provisions within the bill. The operative provision is 390SD subparagraph (3)(a), which reads as follows:

(a) there is uncertainty about the environmental, social or economic impacts of the fishing activity.

We spoke with the departmental officials and with officials from the two ministers' offices and asked, what is the definition of 'social uncertainty'? We asked that because this is a new level. To be fair, it was not for them to determine that. But nobody can define what social uncertainty means in the context of this act. And it is not just uncertainty; it is uncertainty in the mind of the minister. There are a number of ministers who live in a permanent state of uncertainty. But this is a new test: 'uncertainty in the mind of the minister'. Social uncertainty has been introduced into the environment act of Australia as the test for an arbitrary, plenary power which is unfettered in its application and can be implemented without notice, without pause, without evidence but simply on the basis of uncertainty.

That can be done, whether it is raised through a Twitter troll or whether it is raised in a letter from the Greens to the minister. There are no conditions, there are no limits, there are no barriers. But we thought long and hard about a definition of social uncertainty, and finally we realised that social uncertainty is when Kevin walks into a room where Julia is present. And that is precisely what happened on the weekend. Kevin walked into Julia's room and put in place social uncertainty by saying he would support the member for Fremantle's bill. And, voila! Two days later, the government reversed the decision it had supported through three previous decisions. The government reversed the decision on the basis of social uncertainty, and now they bring in the legislation to justify that definition of social uncertainty.

So we now have an exemplar of the Ruddism that has infected the government: whenever the smallest issue is raised by
opponents of fishing or of anything else, we have a decision which is immediate and which has human impacts in the form of 50 lost jobs as announced by Seafish—and those are just the Australian jobs that are to be lost. The vast bulk of those who will lose their jobs, I am advised, are the long-term unemployed out of Devonport. So I would ask the government—the Prime Minister, the minister for the environment and the minister for fisheries—to go to Devonport and meet those people who will lose their jobs as a consequence of this decision.

Let us go further into this notion of social uncertainty. The Environment Act is now guided by a new principle: social uncertainty. That means whatever the minister wants it to mean. ‘Social uncertainty’ means whatever the minister wants it to mean. A minister can now exercise powers that will close down and destroy a family fishing operation, which can close a recreational fishing ground, on no basis—simply that there is uncertainty. There is no requirement of proof of damage. There is no evidence required of fact. It is a Trojan Horse to give the minister unfettered, arbitrary powers to be exercised without notice to the detriment of any fishing community.

I understand that people were genuinely and legitimately concerned about the issue of overfishing—but this bill does not address the quota at all. The quota today will be exactly the same as the quota of yesterday. But what has happened is that there is a new level of uncertainty. Let me give an example of this arbitrary power in the eyes of the fishing community. The Australian Marine Alliance have today issued a statement. Their headline is ‘sustainable environmental economic’. They are supporting Australia’s commercial and recreational sectors. They say:

We make no excuses for arguing that if this bill passes we will see dozens if not hundreds of businesses exit the industry. In our view the answer is not to give the department of the environment in Canberra greater control over fisheries management but rather for the fisheries portfolio to secure a competent minister who can effectively fulfil their duties as minister for fisheries. As an example, if this bill passes, it will give the department of the environment in Canberra the authority to stop recreational anglers all the way down the east coast from fishing for Bluefin tuna in Commonwealth waters.

That is a quote from the Australian Marine Alliance.

But let us take this further and go to the actual definition of ‘uncertainty’—because there is no definition of ‘social uncertainty’; it means whatever the minister wants it to mean. The government have created their own problem by inviting the Margiris in. The minister invited the Margiris in in October 2009 with the reference and the call for large-scale factory fishing vessels. They are not our words, but words from AFMA, in a paper signed off by the then minister for fisheries, the now Minister for Sustainability, Environment, Water, Population and Communities. They invited, they argued for, they created the problem, and now they are creating arbitrary powers.

But it goes further than that, because you then ask: how wide is the range of activities to which the social uncertainty clause can apply? I will turn to paragraph 2 of section 390SD 'Interim declaration' in the bill before us today. It reads:

(2) When making an interim declaration, the Minister may identify a fishing activity by reference to all or any of the following:
(a) a method of fishing;
(b) a type of vessel used for fishing;
(c) a method of processing, carrying or transhipping of fish that have been taken;
(d) an area of waters or of seabed.
So let us understand this: we have an arbitrary power, an unfettered power, an absolute power, which can be used without any just cause, which is non-renewable, which cannot be questioned, and which applies to anything anywhere. So the first part is the power and the second part, as contained in paragraph 2, is the scope and the extent of that power. It says 'an area of waters or of seabed'—any part of Australia, any fishing activity, anywhere at any time. This is not about the fact that there has been damage; there only needs to be social uncertainty.

So we now have the environment act being run on the basis of social uncertainty—giving arbitrary powers for application anywhere, anytime, to anyone. If you are a recreational fisher you might have had legitimate and understandable concerns about the Margiris. I had raised those concerns myself in calling for an independent scientific panel, and there was a genuinely independent scientific panel. I was surprised by the result. The independent scientific panel came down some weeks ago. It was clear and categorical and I had called for it. I accept that.

But when we look at this, the government's response is the same as it was for live cattle. It is the same as it was for the home insulation program. It is the same as Green Loans and Green Start. It is this example—again and again—of a position taken on the basis of any small public campaign, but with no concern whatsoever for the human consequences. Today, of all of the legislation we have seen in the last nearly five years, this is the most arbitrary, most extreme and most unfettered. It is quite extraordinary.

I turn again to the words of the Australian Marine Alliance, which refers to this bill: 'The more immediate concern is the bill to be debated in parliament today that has been hastily drafted by Minister Burke and that will give the minister for the environment and his department almost unfettered authority over all forms of fishing.' So this is a new arbitrary power on the basis of social uncertainty. This government is defined by social uncertainty. The vast majority of ministers live in a permanent haze of social uncertainty, and we have just enshrined that as the basis for the destruction of the livelihoods of small fishers.

This bill has nothing to do with the Margiris, about which people have genuine concerns and for which we have a solution. It has everything to do with a rank extension of authority in an arbitrary and unfettered capacity over the livelihoods and the recreational habits of Australian fishers everywhere. That brings to Australia a broader risk. We heard much from government ministers last week about sovereign risk. This bill introduces sovereign risk on a grand scale in Australia. This bill came after three consecutive decisions from the government.

In October 2009 the fisheries minister at the time called for large-scale factory freezer vessels. The small pelagic fisheries harvest strategy released by the Australian Fisheries Management Authority, signed off by the minister, revised in October 2009, refers to the 'economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels'. The Margiris has been in play for seven years and this was a green light. This strategy was a green light to say 'come on down' to Australia. We did not invite the Margiris, Minister Burke invited the Margiris. That is what large-scale factory freezer vessel means. The Margiris is the definition. It is the response. It is the outcome of the October 2009 decision to release this strategy.
Seafish, an Australian company, then worked with the government. At no point was there an indication, according to the owners, that they were outside of the law, or that they were even outside of the policy. They operated on the advice, on the belief, on the understanding that the government wanted them here.

What is the result? Seafish director Gerry Geen—and let's start with the human consequences—said today that unfortunately the decision would mean that 50 Australians, including the 45 people engaged in Devonport, would lose their jobs. He went on to say:

It is going to be hard to have to tell those employees, some of them who were long-term unemployed, that we no longer have a job for them.

So there is a direct, real human consequences to Australia's long-term unemployed people. He continued:

It seems that after we have met every rule, regulation and request made of us, after years of working with the relevant authorities, that in the end the government reacted to the size of the *Abel Tasman* and not the size of the quota and the science that supports it.

I want to emphasise a point about sovereign risk. This decision sends an awful message to all potential investors in Australia to be very, very afraid. It shows that this government will change the rules after you are committed to a venture, putting at risk the investment, jobs and all the hard work of many people over many years. Then, when you have met all the new rules and requests, they can still just shut you down. That is sovereign risk. Sovereign risk is where people rely on the word and the law and they act, to their detriment but to the benefit of the country, on the basis of the word and the law and of the undertakings of ministers. Then, the government takes it away with no warning, with no ability to adapt and with no concern.

This is a very serious moment in Australia's parliament. We had the live cattle decision, which by the way is wreaking havoc right now in Indigenous communities across Queensland and the Northern Territory, according to meetings I have had with their representatives in the last few weeks. Those communities of Indigenous pastoralists and Indigenous cattlemen and women still are being affected by the live cattle decision, because of the ramifications in Indonesia, which has cut the quota to Australia. The government will say, 'Gosh, it is just a coincidence they cut the quota to Australia after we slashed their protein in half and after we made an arbitrary decision.' It is not a coincidence. It is a direct response and anybody saying otherwise is in denial.

That was the live cattle decision, but this is worse because these unemployed people had been taken on board. They had been employed and the firm had acted on the basis of following every law. And the ministers encouraged them. How can anybody ever again trust this government? How can anybody ever again do business with this government? How can any firm ever again invest with confidence in Australia? Whether it is the carbon tax, the mining tax, the home insulation program, Green Loans, Green Start or live cattle or whether it is this instance, where there is arbitrary executive power over our fisheries, the rules change overnight on the basis of an email. That is the truth of it and that is the problem. That is why this government is no longer fit for office.

They have made Australia an international laughing stock in terms of sovereign risk. We have seen that in our plummet down the World Economic Forum lists in terms of reliability and wastefulness of governance.

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**CHAMBER**
What more of a message could this government have had?

With regard to sovereign risk we see that the minister created the problem when, as fisheries minister, he called for large-scale factory freezer vessels. The ministers, both of them, created the problem when they gave comfort, succour, aid and invitation to Seafish to bring the Margiris into Australia. We know about the discussion and the negotiations. This government invited the Margiris into Australia and then they turned around and made Australia a laughing stock. That is Ruddism. That is what has happened to the modern Labor Party. It does not matter who the leader is. There is a deep infection in the culture of a political party that no longer believes in anything.

I now turn to the issue of science. I want to deal with the statement AFMA made on their web site on the issue of the Margiris. That statement was updated on Monday of this week.

It is headed, 'Why is AFMA confident that the boat's operations would be sustainable'—this is the scientific agency—'Because', they say, 'these catch limits are strictly enforced by AFMA using high-tech systems', 'Australia's fisheries management is consistently ranked among the world's best by international experts', and:

AFMA has found no evidence that larger boats pose a higher risk to either commercial species or broader marine ecosystems when total catches are limited and the limits are enforced. This type of fishing, mid-water trawling, is one of the most selective, which means the bycatch will be very low. AFMA works closely with fishers to minimise bycatch, and they will be required to follow several rules to ensure wildlife isn't impacted …

And it concludes:

The science shows that localised depletion is unlikely in this fishery, but AFMA will be keeping a close eye on this issue, given the concerns raised.

That was Monday! And on Tuesday, the government said they were uncertain. On Monday there was an express statement on the science. But, just in case anybody missed it, other people have commented on this. Minister Ludwig said in the Senate on Thursday, 23 August:

The setting of catch limits in the small pelagic fishery are based on strong precautionary principle. Under the harvest strategy for this fishery, the catch limit is capped at a maximum of 20 per cent of the estimated available biomass …

He goes on to say:

This is a very conservative limit … Even with that cap, the current management plan sets the quota to less than 10 per cent … These stock limits are based on science and assessed by the experts.

He then went on to say, in relation to a disallowance motion on the quota for the relevant fishery:

The disallowance motion being moved by the Greens is misplaced and could harm fisheries across Australian Commonwealth waters.

… … …

This disallowance motion is a message that the Greens political party do not support sustainable catch limits based on science … As minister for fisheries, I will not allow the emotive politics of the Greens political party to run fisheries management policy in this country.

It could have been a work from Monty Python, given what happened, because the government then turned around and did completely the opposite.

But it is not just confined to that minister, because here is what Tony Burke said on Q&A on 3 September:

So what I have signed off on today is effectively the big vessel will have to fish with the rules so the impact it has on the environment is no more than for fishing like a small vessel.
How about that? So, in terms of the official targeting, that part has already been measured as sustainable.

The question with this one, though, is: instead of 20 boats going out to all different parts of a huge fishery that goes all the way around Queensland and South Australia, you get a different impact.

He then goes on to say, 'If there's a problem, they have to move on’—so he had a move-on provision.

So let us understand what all of this means. All of this means one thing: this decision today, perversely, means there will not be one fewer fish caught. The quota that was in place yesterday is the same today, only there will be more boats catching the same number of fish. How does that work? The government have led people to believe there would be a lesser catch of fish. That is what is actually said here. Their scientific agency does not believe there needs to be a lesser catch. The minister for fisheries does not believe there needs to be a lesser catch. The minister for the environment does not believe there needs to be a lesser catch. So, three boats, or five boats, or 20 boats can now catch exactly the same number of fish. As has been said in the media in the last 24 hours: it is not the size of the boat; it is the size of the quota that matters. And the size of the quota does not change; only that there will be more boats catching the same number of fish. So, as a matter of logic, it has reached a point of perversity. Science has been displaced.

To finish, let me deal with the Magiris. We have said that we would be willing to work with the government to amend the Fisheries Act to ensure that there are stronger move-on powers. We will be moving an amendment to that effect, and I will be moving an amendment to the effect that the Minister for Sustainability, Environment, Water, Population and Communities should explain the reasons for his decision to reverse the policy that he introduced as fisheries minister in 2009 which stated that there are: … considerable economies of scale in the fishery and the most efficient way to fish may include large-scale factory freezer vessels.

And he should explain why he invited the Magiris into Australia by promoting large-scale factory freezer vessels, and explain what actions he will take to compensate the 50 Australian workers who are losing their jobs as a consequence of this legislation. I move:

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

"whilst not declining to give the bill a second reading, the House calls on the Minister for Sustainability, Environment, Water, Population and Communities to explain:

(1) the reasons for his decision to reverse the policy that he introduced as Fisheries Minister in October 2009 which stated: "There are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels";

(2) why he effectively invited the Magiris into Australia by promoting ‘large scale factory freezer vessels’; and

(3) what actions he will take to compensate the 50 Australian workers who are losing their jobs as a consequence of this legislation."

However, knowing that we will also move an amendment to discuss the move-on provisions in the Fisheries Act immediately, we are happy to sit down with the government to provide a way forward for better protection on the Magiris today, this moment, this second—no problem. We will look for stronger actions. This bill keeps the same number of fish being caught. This bill
creates sovereign risk. This bill, above all else, gives unlimited, arbitrary powers, an executive blank cheque, to the minister on the basis of social uncertainty. As of today we have a new standard in Australian legislative activity. Social uncertainty is the basis for executive absolute unlimited authority and that is why we oppose the bill.  

(Time expired)

The DEPUTY SPEAKER (Mrs D’Ath): Is the amendment seconded?

Mr Randall: I second the motion.

Mr CHEESEMAN (Corangamite) (10:22): I rise today to speak in favour of the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. This is in response to the super-trawler, the vessel that was once known as the Magiris and now referred to as the Abel Tasman, seeking to fish in Australian waters.

To put some facts on the table with respect to this particular vessel, it is 120 metres long, and it weighs close to some 10,000 tonnes. At 600 metres the super-trawler's fishing net is 97 metres longer than the arch of the Sydney Harbour Bridge. It has the capacity to store 6,000 tonnes of fish and can process 250 tonnes of fish a day. The company, Seafish Tasmania, has sought to fish 18,500 tonnes of blue mackerel, jack mackerel and redbait in the Commonwealth small pelagic fishery. This is, as I understand, about the half the quota allowed for these fisheries.

Once news broke that this particular vessel was seeking to come to Australian waters to fish in the small pelagic fishery Australians, quite rightly, became deeply concerned with the prospect of this particular vessel.

It became clear that the Magiris had, rightly or wrongly, developed a reputation elsewhere that had led to damage being done to fisheries in Europe and in Africa, and Australians became concerned. They became concerned from two perspectives. Recreational fishers were concerned that this vessel, with its capacity, would take substantial volumes of these species in areas where larger fish would pursue these smaller species as food. I became aware that tuna fishermen in Victoria were concerned that the Magiris had the potential to take a huge volume of these small species, which of course tuna target. Also, many Australians interested in marine conservation were concerned about the potential for bycatch—turtles, seals, dolphins and the like—being caught up and drowned in large numbers. This issue was raised with me.

The Environment Protection and Biodiversity Conservation Act, the responsible piece of legislation that sets out governance around these matters, is some 20 years old, and it was written at a time when it was not envisaged that these super-trawlers would come to Australia. It is quite appropriate for us to take the opportunity to look at the laws and ensure that they do reflect the views of modern Australia. As a consequence, the government has taken the necessary steps.

It became quite clear through the course of the public discourse on this matter that we were not clear on the science, we were not clear on the possible impact that a super-trawler—the second-largest fishing vessel on this planet—would have on Australia's fishery. We were clear, the science had been done, with respect to smaller vessels—the more traditional fishing vessels that are based in Australia—but we have not seen a super-trawler in Australian waters, and we are unsure of the consequences. Quite rightly, we need to go away and review the science to try to determine what the impact of super-trawling in Australia might be. It is
very important that we undertake that research.

My electorate of Corangamite is nestled between Geelong and south-west Victoria. We have many communities that enjoy recreational fishing. There is the port of Queenscliff, of course, which is a historic fishing port. The Department of Primary Industries in Victoria has a marine management centre there, a research institute, with a lot of marine scientists providing advice to the Victorian government about the Victorian fishery. With the state government cuts I understand some 15 scientists from there will unfortunately be losing their jobs. But we have other fishing communities and ports. We have Apollo Bay, home to crayfisherman and recreational fishers, and many other communities that enjoy recreational fishing.

I would particularly like to take the opportunity to acknowledge Garry Kerr, who is a rec fisherman and owns a fishing tackle shop in Anglesea, for his representations to me on this issue. He was particularly concerned about the consequences of a supertrawler and what it might mean for the tuna that he likes to target himself and that many of the clients of his fishing tackle shop like to tackle.

So I think the approach adopted by the government is the right one. I think the concern raised by the community from a broad and diverse perspective, from recreational fisherman on one hand through to environmentalists and conservationists on the other, very much demonstrates that the legislative arrangements and the science that is in place at this stage are not adequate to give confidence and comfort to the environment minister, to the fisheries minister and indeed to the Australian community as to the consequence of supertrawlers and—what they might mean for our fishery and what they might mean in terms of bycatch—seals, dolphins, penguins or the like.

It is true that Australia has a world-class reputation for fisheries management. I think it is true to say that we have some of the best-managed fisheries on this planet. If we look at examples overseas, whether in Europe, North America, South America or Africa, we can find many examples where fisheries have not been appropriately managed, which has led to very substantial localised depletion. Because we wish to exploit our fisheries in Australia—as we should—but also have proper oversight and proper management plans, based on science, we will be able to continue to manage our fisheries in a way that can provide a commercial return, that can feed our society and that can provide an export market for us in a way that is sustainable. The Margiris—or the Abel Tasman, or any other name the vessel may go by—very much calls into question the potential viability of this fishery. We do not know the consequences. Until the science is undertaken, as a precautionary measure we should not allow this particular vessel, or vessels of this size and scope, to continue to fish.

It is quite extraordinary that the recreational fishermen and the environment groups are at one on this. They have not historically been close. Often, in fact, they have been at loggerheads. I think when you have such diverse groups with diverse views coming together and lobbying members of parliament across the parliamentary spectrum, it is clear that the government needs to act—and indeed we did act.

But it is also very disappointing that politics are being played by the Liberal Party on this, and by the National Party. It is very clear that they do support super-trawler fishing in Australian waters, without the
science being undertaken. Indeed, if they were in government, it is true and fair to say that this particular vessel—and other vessels of this nature—would be able to fish in Australian waters without the science being undertaken. Not only would this do great harm and damage to the fishery and create concern amongst environmentalists and conservationists but also, importantly, it would harm recreational fishermen who enjoy getting out on the water and targeting species such as tuna and the like. We will deal with those in due course.

The steps undertaken by both the ministers with respect to vessels of this nature are the right approach. It is the approach that I support and that Labor backbenchers have been lobbying for. I look forward to seeing this legislation pass. I am sure the Liberal Party and the Nationals will vote this down. I am confident that will happen. We will get to see their true colours on this matter. I am sure—

Mr Ewen Jones interjecting—

The DEPUTY SPEAKER (Mr Lyons): The member for Herbert can have an opportunity, if he requires.

Mr Martin Ferguson: I think he should have a cup of tea.

Mr CHEESEMAN: I think he should, too. He should have a Bex and a good lie down; absolutely. I thank the ministers. I thank my friend Garry Kerr from Anglesea for the representations he has made to me as a recreational fisherman and someone who is commercially involved in recreational fishing. I thank all of those who have emailed me and made representations to my office on this. I look forward to seeing this legislation passed and Australia's fishery being protected for the commercial interests of all Australians. I certainly commend the legislation to the House.

Mr JOHN COBB (Calare) (10:37): I rise to speak about the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 proposed by the government. I wish I did not have to. Even though Australia has come to expect no bounds to the incompetence and knee-jerk overreaction of this government I do find myself despairing at this latest effort by them to undermine business in this country and at the scale of the sovereign risk it is subjecting its hard-working people to.

This is not just about foreign investment, this is about domestic investment. Let us be clear. This government's decision to shut down the fishing trawler is not based on science but simply on a massive sell-out of industry as they trawl for green votes. This decision is using a sledgehammer to crack a nut—a peanut. Instead of providing conditions for the ship's operation so that it would have no more a footprint on the environment than one of the five smaller boats it could have replaced, the minister is moving to deliver himself sweeping new powers that will enable him to shut down the fishing industry and destroy statutory fishing rights simply on the back of any media campaign, no matter how misinformed.

This bill allows the government to shut down any commercial or recreational fishing activity for 24 months if there is any level of uncertainty about environmental, social or economic impact of the fishing industry. As the old saying goes, there is nothing certain in life except death and taxes—and under this government that is a heck of a lot of uncertainty and a heck of a lot of taxes. There is always uncertainty, so there will always be an excuse to shut down the fishing industry. This will make the statutory fishing rights of our hard-working fishermen worthless and let me tell you that they are hard working.
This bill gives the minister unlimited powers and threatens every Australian commercial fishing operation at a virtual whim. In an attempt to address community concerns about the Margiris, the minister has gone to the extreme, by giving himself unlimited powers, which will impact on every family fishing boat around the country. The new powers will allow the minister to shut down industry for two years whenever there is social—in other words, perceived—uncertainty over the science, no matter how uniformed. Instead of ensuring conditions that could have ensured that the larger boat had no greater footprint than five smaller boats, this minister has just decided to shut down the industry for two years and leave it to another minister with a backbone to solve the issue.

Minister Ludwig has again been used as a doormat by the rest of the Labor Party to pander to the Greens—and as one of the better ones, Minister Ferguson, you know I am telling the truth. Rollover Joe is still reeling from the last time the government rolled him and made him shut down live exports completely devastating the industry and telling our major trading partners around the world that there is too much sovereign risk to trade with Australia and that they should take their business elsewhere. However, this time it is not just foreigners; it is Australian investors who are being told, 'Bad luck.'

Minister Burke was the Minister for Agriculture, when the Australian Fisheries Management Authority, in his portfolio—and, I understand, Minister Burke himself—approved the Small Pelagic Fisher Harvest Strategy. He did that as the Minister for Agriculture and now, as the Minister for the Environment, he is acting as someone who is totally unconcerned and uncaring about his previous strategies—basically inviting a ship of this type to come to Australia and provide efficiencies and now has changed his mind. What can you say? As the member for Flinders has already pointed out, this strategy—approved by Minister Burke in his previous portfolio as the Minister for Agriculture—clearly states on page two: 'There are considerable economies of scale in the fishery and the most efficient way to fish may include large-scale factory vessels.' I wonder what those opposite think of that when it comes to the legislation we are currently debating. That is a straight-out invitation to bring exactly that sort of ship here to Australia. What another Labor stuff-up! Minister Burke, as minister for agriculture, in fact appointed all the current board of AFMA—the authority he says he now cannot trust.

Minister Burke clearly invited this boat to Australia and has now changed his mind. Australian investors, with clear signals from Minister Burke on this, invested time and effort and significant resources to bring this boat to Australia. Over years, they complied with every requirement. This Australian company employed 50 Australian staff to drive the business. Seafish Australia has now been put in the terrible position of having to tell these staff they are no longer needed. Like the live exports debacle, this government has again sent a signal to all the countries of the world—and, in this case, the domestic investors in Australia, all our major trading partners and businesses large and small—that it is way too risky to do business in this country and that this government cannot be trusted. If Minister Burke had an ounce of gumption, an ounce of honesty, he would resign if he does not trust the authority he was responsible for—that he appointed, that he approved and that he agreed with. This is the authority he appointed, he approved and he agreed with.

Australia's fisheries are independently benchmarked and recognised as one of the...
most sustainable in the world. The management strategies are developed from sound science and extensive consultation with a broad range of stakeholders. The coalition has every reason to have confidence in the quota and management conditions applied to the small pelagic fishery.

This decision will open a Pandora's box. This is a major precedent that opens the door to other natural resources. Will the minister seek the same sweeping new powers to be applied across other natural resource sectors? Mining could be stopped for two years because of a public campaign suggesting that a new mining method which may actually reduce the impact on the environment creates too much public uncertainty as to its actual impact. The irrigation sector could be shut down for two years while they finalise the Murray-Darling Basin Plan because there is community concern about the impact on the basin. Even worse, Minister Burke may shut down the farming sector for two years because of perceived social uncertainty about the impact of new farming methods aimed at improving soil management because of perceived uncertainty. This will not only shut down resource sectors but also stagnate research and development that would lessen the environmental impact and increase public uncertainty.

To use an analogy, with recreational fishing, this government is saying that not only do you have a bag limit but you are also not allowed to go fishing with your mates and the industry cannot conduct fishing competitions, as the collective impact could be too great. The recreational fishermen are also on this minister's hit list already with the world's largest national marine park network not based on science, and now the minister is saying he can shut down any fishing activity if there is uncertainty, regardless of the science. This has really undermined the good work of the Australian Fisheries Management Authority and their dedicated staff, who are committed to sustainable management of the fisheries within government policy. The key here is that they implement government policy, policy which was overseen for three years by Minister Burke—this very same minister—when he was minister of the agricultural portfolio. And he now says that AFMA cannot be trusted.

This is so like the live exports issue. This is groundhog day for this government. The ineptitude of this government never ceases to amaze me and never ceases to amaze the Australian people. But, when it comes to the agricultural, fisheries and forestry portfolio, you can add to that a distinct element of, 'I couldn't care less', and you begin to understand why the live export issue escalated to such an incredible crisis. I never thought I would say this, but I am not sure that this decision by Labor, this legislation that they are putting forward now, is not worse than their actions in relation to the live cattle trade.

That was one of the worst decisions ever made— and certainly the worst business decision made by a government up to this time. It set back international efforts for animal welfare, and the sovereign risk has alarmed our trading partners. Indonesia wanted to work with Australia, and publicly said so, to solve that issue and they picked up the paper and read that they had been told that they were no longer needed at that time and that they would have to wait for cattle because they were not getting them.

While this government—and every government—have struggled to deal with Aboriginal welfare issues, particularly in Northern Australia, they also crushed the livelihoods of tens of thousands of people both directly and indirectly affected by that
government decision. The effect of that decision on the North—which at the time I thought could never be worsened, but I am not sure that it has not been now—on 82 Indigenous stations and a community of some 17,000 depending on this trade, was enormous. These people do not want welfare; they just want to get on with their lives. And I can assure you that the fishing industry does not want welfare; they want to get on with their lives.

This government are far more worried about the lefties within their party room than they are about our relationships with our neighbours and with business and whether or not Australia is able to proceed domestically, let alone whether in a foreign sense we can get investment in our country and investment in our businesses and be able to create jobs.

The government is seeking a new arbitrary power unfettered and with no chance of review for the decisions. The government invited the ship into Australia and has now backflipped on its own decision. Minister Burke should resign—in any moral situation you care to name. He oversaw the department that invited the boat to this country and is now saying that the decision was wrong. It was a decision that only last week, in fact I would say as recently as Monday, he agreed with.

The implications of this bill for our international reputation are catastrophic. The implications in terms of sovereign risk are catastrophic and enormous. I support the amendment by the member for Flinders and I implore the parliament to get behind it and bring common sense back into this debate. I think it is a disgrace and a shame that the opposition is not supporting this bill, that they are not supporting what is so clearly in line with community expectations and clearly in sync with community concerns—that is, to get answers to some questions on the impact of the second-largest and biggest fishing vessel on the planet to see what impact it would have on our environment, our fisheries and our industry. The public wants answers to questions concerning the operation of this supertrawler in Australian waters. How much will it deplete our waters of commercial fishing? How much will it deplete our waters of protected fish, mammals and even birds? How much would it deprive our long-term fishery operations and our recreational fishermen and women of their livelihoods and pursuits?

The people of my electorate want to know whether this or any other supertrawler can really operate within fishery and environmental rules, as they currently exist, and not wreak environmental destruction on our marine environment. That is all they want to know. I think it is a very legitimate question and the public have every right to an answer to that question. It is also clear that many members of the public, unlike the Abbott coalition, simply do not believe it is possible. Concerns have been raised on a continual basis for over a month. They have been expressed through multiple telephone calls to my office, many emails, letters in the media, communications with my electorate.
office and those of many other MPs. The minister also has received many communications on the matter. A substantial proportion of the public are clearly saying that they do not believe that a vessel with such a large processing and freezer capacity and that has the potential to pull out and process so much of the ocean's harvest on a continual basis—that is, within one geographic area in one fishing expedition without returning to port—can operate without a negative impact on the area in which they fish.

The minister has made it clear that this proposed event—the expedition of a supertrawler with such capacity—is unprecedented in Australian waters. It is clear that the proposal to have such a vessel operating in Australian waters, processing and freezing on board substantially larger volumes of catch in any one fishing expedition, is unprecedented. Fishing in this manner produces what people refer to as bycatch, the unintended catching of non-target fish. Some of the things caught by trawlers are protected mammals. The seals, dolphins and a whole range of other things—and of course the food on which they rely—are protected by Australian law. A sustained and concentrated fishing exercise would surely increase the incidence of bycatch—or do those opposite suggest the contrary, as we are hearing?

What devastation would be caused by substantially increased and geographically concentrated trawling on these protected species? That is one of the questions that cannot be answered. The question is new, as is the capacity of any super-trawler to fish in such a sustained and geographically concentrated way. How can the government be content with a guess or a hope, as those opposite are saying, that environmental law will continue to be observed and that the unintended consequences of said activity on such a large, continual and potentially concentrated basis will not damage those species we are required by law to protect?

We cannot give the assurances asked of us by the public and demanded by the law. The numbers and the impact of such an event are, as I have said, absolutely unprecedented. Uncertainty remains, despite the best efforts of those experts to whom these questions have been put. I believe the public have a right to have their questions answered. It is the public's fishery; it does not belong to any one person or any one trawler or any one industry. The public's environmental assets and their sustainability are key here.

I support the minister's decision to amend the legislative framework that will enable all these questions to be put and to seriously be investigated and enable answers to be given to all those who seek them. This government has only recently announced the creation of the world's largest system of marine reserves. The sustainability of our fisheries and the protection of our wonderful and unique environmental assets is clearly a very substantial priority of this government. We are delivering improved systems of protected areas, delivering sustainable and therefore better fisheries going forward, which is good for the fishing industry and good for the protection of our threatened world.

So it is totally logical that we here on this side of the House—the Labor Party, the one party in this place with a logical approach to sustainability of environmental, social and economic needs—would exercise care and due diligence when it comes to assessing the potential of a vessel that is the second-biggest fishing vessel on the planet and which has sailed over the horizon and looked to fish in our waters.

Fundamentally, this is a new situation being faced by our fisheries, our fishing industry and a marine environment created
potentially by a very new fishing tool. We have not seen this tool being used before in our waters—Australian waters, not waters overseas or somewhere else. It is unprecedented. Naturally there is insufficient data as to the impacts. The hypotheses are untested, so suggestions as to what may be done—or what outcomes are most likely—simply cannot be relied on by those with a legal responsibility to ensure, as best they can, that the consequences most of us fear are never realised.

Since the minister announced his decision to seek changes to the Environment Protection and Biodiversity Conservation Act, which will give him time to seek the conclusive answers to these questions, we have heard others in this and the other place make a number of points in the media. One party launched into an electronic media campaign announcing that they have delivered a great outcome in stopping the super-trawler from ever operating in Australian waters—and I have to tell you, nothing could be further from the truth. The super-trawler has not yet been stopped from going to sea and potentially wreaking havoc on protected mammals and their environments in our waters. That party should focus on results for a change and leave the multimedia mania for another time. I suggest that they focus on delivering their votes to successfully amend this law before they divert their attentions to prematurely announcing any achievement or bathing in greatness.

The Liberals, from what we have heard today, will be opposing the bill. There is a very real possibility that this amendment will not get the approval of the parliament and that the supertrawler will set sail in the months to come. From what we have heard today from the Liberal and National parties I suspect that they will say no—as they do to everything we bring before the House. We have heard a continuous echo—no, no, no, no, no—from the opposition. And we are hearing it again here today—to a bill to give the Australian public the answers they are seeking. What do we hear from the opposition once again? 'No.'

The shadow Treasurer was in the chamber last night speaking in favour of government legislation. He was devastated. I almost felt sorry for him because he was doing something his leadership team appears to have vowed never to do. He could hardly talk—which, for Joe, has to be evidence of acute psychological trauma. He was beside himself, unable to believe that the Liberal and National parties were actually going to vote with the government. They never intended to, irrespective of the merits of the cause. And so too here we can only expect the negativity already coming from the opposition.

I do not recall the last time the opposition voted in favour of enhancing environmental protections on land or at sea. They are against marine reserves. They are against the security of national parks. They are against doing a proper job of restoring the health of the Murray-Darling Basin and the River Murray's Lower Lakes and Coorong. They just hate the idea. They are against investment in school infrastructure. They are against investment in educational outcomes. Their party is against the NDIS. They are against the scientific process itself, and its conclusions—the well established and widely acknowledged consensus in the areas of climate and ecology. So we can only expect the opposition to vote against the amendment in this place and, quite possibly, do whatever it can to see that supertrawler set out to trawl our seas. We can only expect the opposition to unnecessarily and clumsily box itself in again to a position of ignoring the scientific questions, depriving itself of the means to improve its decision making,
operating on the basis of spite and wilful opposition and, as a consequence, putting itself at odds with the will of the Australian public.

As I said earlier, I have not seen another bill in this place that is so clearly in line with community expectations and so clearly in sync with community concerns. The public wants answers to these questions. We need this amendment to seek those answers. We are all obliged to support the amendment because it is very important. All of us have heard from constituents in our electorates who are in support of ensuring that we get those answers. The *Abel Tasman* is the second biggest fishing vessel on the planet. I am pleased that people will not be rushed into decisions about it operating in our waters. The science behind current quotas is sound. However, the science behind the long-term effects of a vessel of this nature, of this size, are not. We are taking a cautious approach to this, prohibiting an activity while giving our fisheries managers and our environmental assessors the opportunity to give it proper consideration and get those answers that the public has been asking for. As I said, the public deserve those answers. We are adding the means by which such vessels can be assessed before any operations take place. We need a proper assessment and, if it is found to be unacceptable and threatening to our precious marine resources or to protected species, then the appropriate management responses would be implemented.

The government has introduced this legislation because there are unanswered questions. It is our duty as members of this parliament to seek answers to those questions and ensure that the public are satisfied. After all, all of us have been put here by the public. I have never seen another issue that has created such a great amount of correspondence to my office—continuous emails and phone calls from people who are concerned about having the world's second largest fishing vessel fishing in our waters. This bill will allow the government to seek out those answers and ensure that all the environmental impacts are known and we have all the information at our fingertips before any vessel like this is allowed to go out fishing in our waters.

The community need to be assured that the environmental controls in place are reflective of the expectations of the community. The expert panel will be able to assess the science to answer those very, very important questions. I am very pleased about this. I congratulate Minister Burke for acting on this after concerns were raised with him. I wrote many emails and letters to him on behalf of many constituents in my electorate over the last month. I am very pleased that he has taken that into account and ensured that he gets those answers for the thousands and thousands of constituents all around Australia who have been contacting our offices—and not just on this side; I am sure they are contacting people on the other side as well.

I am very pleased that this amendment bill has come to this House today to allow the government to seek those very important answers that will tell us what impact the world's second largest fishing vessel will have on our environment. As I said, this is a very important bill and I am very disappointed that the opposition is not supporting it—something which is so clearly in line with public perceptions and public views. I would encourage them all to rethink their position on this, to rethink what the public wants, to rethink what their constituents have been telling them and to vote in line with the Australian public, who put us in this place. I commend the bill to the House.
Mr ENTSCH (Leichhardt—Chief Opposition Whip) (11:06): I am somewhat taken aback by the contribution of my good friend the member for Hindmarsh. He states that the size of the catch and other issues have been raised and that there needs to be further science on the decision in relation to this large vessel that is currently moored at a port in South Australia. I find that unbelievable. Obviously, his minister is not communicating to him in any shape or form.

It was in 2009 that the minister made the statement that formally invited these people to come to Australia. They accepted that invitation. In the years since then they have gone through, backwards and forwards, working out the science, arguing on the arrangements that needed to happen. The arrangements had been totally concluded; why else would they have left their home port and steamed all the way to Australia if they were not of the understanding that they had that support from the Australian government? They were down here to catch fish and had actually been allocated a quota of some 18,000 tonnes. So there was no clandestine arrangement. The science had been done. On websites even as late as yesterday the Australian Fisheries Management Authority, AFMA, was defending the science, arguing that it was totally appropriate for this to occur. I understand that the quota was approved by the government's own caucus only yesterday: 'No problems whatsoever; let's make it all happen!' The Minister for Agriculture, Fisheries and Forestry has continually defended his decision as being based on science. The hypocrisy in this whole debate has been second to none.

I am one of those who have been defending the fishing industry—all aspects of the fishing industry—for many years. I have seen rights being stripped away. I have seen opportunities for commercial, sporting and recreational fishing being continually reduced. I have seen that reduction used as a basis to determine that fishing is not sustainable and for taking away those rights completely. All of this has not been based on science. There has been no scientific evidence to back robbing these small Australian family businesses of their opportunity to continue to make a living. Many of these businesses are intergenerational; they have been there for many years. AFMA, for example, has continually argued that because of its world-class management fishing was totally sustainable. But this minister and this government have continued to erode these rights. We have no better example of that than the current marine park initiative, through which we are seeing the closure of the Coral Sea because it is becoming a no-take zone for fishing. That initiative was not based on science. It was based on an e-mail campaign generated by an American organisation, which I refer to as a 'gan-green' organisation, called the Pew foundation. The Pew foundation is an oil and gas funded American conglomerate that decided to make itself a little bit respectable in the environment world, so it has gone about looking after the marine environment. It would not do it in its own unsustainable and totally depleted fisheries because it did not have the political courage to do it. Instead it travels around looking for the lowest hanging fruit and of course it found that here in Australia, where there is a government that is totally subservient to the Greens.

The Pew foundation has now come here with a campaign of some 400,000 computer generated spam emails, which frightened the living hell out of the government and pushed it into making a decision that has effectively destroyed even further the livelihoods of people who have been in the industry for a long time. An example of this is Bob
Lamason, who owns Great Barrier Reef Tuna in Cairns. Bob used to pay $2,000 to $3,000 per vessel for licence fees in the 1990s for his six or seven boats—his maximum cost was about $20,000. For that he had a licence to catch a range of species, including 1,200 tonnes of tuna each year, which he sold into the prime Japanese market and got very good returns. Back then, there were no bycatch restrictions, no wire traces and no VMS, vessel monitoring systems, and he was allowed to cover a very wide area. Since then, through the pressure of green groups, he has been restricted to areas which in many cases are nonproductive and in which he cannot catch target species. He is now paying an average of $40,000 per year for each of his four vessels, $160,000 a year, to fish and he is now permitted to catch only 600 tonnes of tuna a year. Unfortunately, because he is not allowed to fish in areas where the fish actually congregate, last year he managed to catch only 300 tonnes. So with his higher fuel costs, having to fish further out and being restricted to a five-hook limit it has been made almost impossible for him. He is one of those we are going to lose because of this minister's incompetent handling of this whole process.

As Bob has said, we are catching less than half of one per cent of the Western Pacific yellowfin and big eye tuna and fishers are paying $160,000 a year to do it. In the other two-thirds of the Western Pacific, which includes Papua New Guinea, New Caledonia and the Solomon Islands, they take 2.4 million tonnes. You can imagine how much difference to the environment will be made by the 300 tonnes we are stopping Bob from taking. But we are going to destroy the family business in the process.

When you look at this bill, you have to be very concerned. The amendments will create a new chapter 5B of the Environment Protection and Biodiversity Conservation Act, which will enable the minister, with agreement from the minister for fisheries, to declare a fishing activity to be a ‘declared fishing activity’ on an interim basis if both ministers agree that ‘there is uncertainty about the environmental, social or economic impacts of the fishing activity’. We are talking about the environment minister putting this bill up. But he is now dealing with social and economic activities as well, which means that he can shut down any activity in any Commonwealth controlled waters, if he has a desire to do so, for a maximum of two years in the first instance. That is absolutely outrageous. That is in spite of the fact that we have seen a huge amount of science go into this.

With regard to this vessel, I had objections. I have concerns about bringing a vessel of this size into our waters and allowing it to take 18,000 tonnes of quota in one area. I think that there should be move-on provisions. If they had put move-on provisions in this, which ensured that this vessel had to take certain amounts out of different areas so that it did not totally deplete the stocks, that would have made a sensible management decision.

Mr Baldwin: Good fisheries management.

Mr ENTSCH: Yes, good fisheries management, not policy on the run like we are seeing with this, in a government that, again, is being influenced by an email campaign run by the Greens and GetUp!. That is what this is about. It is not about fishing management. It is about the Greens and GetUp! putting the pressure on. They got in a panic. Yesterday it was fine. Suddenly, today, we are going to stop it. They have even changed the name to the Abel Tasman. If there had been sensible amendments which said, ‘We will restrict where we can
fish with these vessels,' I would have been absolutely supportive. I hope that we can put something up of a similar nature so that we can actually get back to appropriate management of this vessel rather than this other nonsense.

The other reason I oppose this is that we were told that all the science was done on this—and everything I have seen suggests the science is there. There may be a few little tweaks that we can do in relation to move-on provisions, but the science is there to suggest that this is okay. I have been arguing now for many years about decisions that have been made in my area based on email campaigns and not on science. I have argued very strongly that we should be using science and sustainability as the only criteria in relation to management of fisheries. This emotional claptrap that is being directed here by organisations such as the Pew foundation should be totally disregarded for the spam that it is. But, unfortunately, this government are a captive of the Greens and these interest groups because they do not know how to make a decent decision.

We have already seen sovereign risk issues in relation to the mining resource tax. That had a huge negative impact on confident investment in this country. Have a look at the debacle that the minister for agriculture was involved in in relation to live cattle exports and the sovereign risk in that, a shocking decision that was again made by interest groups and an email and video campaign. We are seeing exactly the same thing now being applied to our fisheries. The minister should hang his head in shame.

I have another impact in my area which I would like to raise. In 1964, Vic Oke and his brother Gordon bought the Cairns saltwater baths and they converted it into an oceanarium. From that time, with their love of diving, they started up a business which was followed on by Vic's daughter Bev, who married Lyle Squire Sr, and then that business became the Cairns marine aquarium. It is now owned by a third generation—Lyle Jr and his brother Cadel. Between them they have six children, all with a strong interest. So there was a possibility that this business could go for four generations. They have been catching reef fish for aquariums and have been taking fish from the same reefs for three generations. It has been recognised as being absolutely world's best practice and totally sustainable. They have been taking the same species from the same area for three generations.

What has happened? First of all, they were shut down by green zones and moved from that area. They were paid $3.8 million in compensation to allow them to buy bigger vessels so that they could move out into the Coral Sea to operate and to set up infrastructure at a Cairns base. Now with the new Coral Sea marine reserve restrictions it is likely that out of the 16 operators that are currently working there only three will be able to continue. This is an organisation that is recognised as world's best practice. The casualties of these limits in the Coral Sea marine reserve will include line and trap fisherman, rock lobster and beche de mer fisheries, and one other aquarium operator. The main problem that these guys face now is that because there is 100 per cent cost recovery the total cost of managing this fishery, which is $300,000, will be spread over three people instead of 16, which means it will be totally unsustainable for them.

It is interesting because I was talking only a while ago to strategic projects manager Ryan Donnelly from the Cairns marine aquarium and he said to me, 'Warren, the funny thing about it is that the Great Barrier Reef Marine Park Authority still holds us up as the poster child for the fishing industry in
the Great Barrier Reef. These are the people who you would think would want to stop us from fishing on the reef. If we are forced out of the Coral Sea, the infrastructure, the boats, the buildings, our Stratford site and all our staff will have to go.'

These are the sorts of impacts that we are seeing from decisions being made because of populist calls by interest groups like Pew, GetUp! and the Greens. On the one hand, the government makes these decisions on the run without any consideration whatsoever of science. And then, on the other hand, they suddenly get the science and the vessel's operators make an absolute commitment over two years. They steam halfway around the world to be here to start the operation. There are 50 new jobs created et cetera. It needs some tweaking done, but then of course there is another campaign by another lot of interest groups and suddenly the government reneges on the deal. How good does that make us look? It is an absolute disgrace. The minister should hang his head in shame and those on the other side should be condemned for supporting this ridiculous legislation.

Mr ZAPPIA (Makin) (11:21): I speak in support of the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. Unlike the previous speaker, I commend the Minister for Sustainability, Environment, Water, Population and Communities and the Minister for Agriculture, Fisheries and Forestry not only for working together through this issue but for noting the very legitimate concerns of Australians around the country and responding with this legislation.

I note that the opposition will not be supporting this bill, which I have to say not only disappoints me but surprises me, given that this is in fact good legislation, legislation that takes a cautious approach to fisheries management in this country and an approach that at this point in time is appropriate. I note that in opposing this legislation the opposition have moved an amendment. The amendment effectively calls for reasons as to why this legislation has been brought into the House. Can I say to members opposite: if you want to know the reasons why this legislation has been brought into the House, simply read the minister's second reading speech. It is all explained there if you care to read it. It is outlined in a very clear way why this legislation is necessary and why it is responsible legislation.

Australia does indeed have a very good fisheries management record and a very good regime in place and has had so for many years. The reality is that circumstances change, and when circumstances change governments have a responsibility to respond to those changes. It has become clear that under existing legislation there is insufficient scope to deal with current fishing practices that we are seeing, including but not restricted to the use of supertrawlers such as the Margiris, now badged as the Abel Tasman. We have also seen in recent years the action taken by state and federal governments around the country to designate specific areas as marine reserves. They have done that again in recognition that changes are taking place and that, if we want to manage our fisheries properly, we need to ensure that they remain sustainable. The only way to do that is by continuous intervention, having assessed the impacts to date of what is currently happening.

Whilst the legislation is not specific to the size of fishing vessels, it does empower the
minister to declare a fishing activity, which triggers a 24-month prohibition of fishing whilst an expert panel carries out a scientific investigation of the impacts of the particular fishing activity. Whilst some have argued that section 91 of the Fisheries Management Act provides the minister with additional powers under exceptional circumstances, I accept the minister's advice that that section does not provide sufficient scope to deal with issues such as that of the *Margiris*.

There has also been considerable debate about the scientific evidence which underpins sustainable fishing policy, and I will make some comments in respect of all of that. Firstly, there is the question about quotas. The issue of quotas has been discussed at length by several of the speakers thus far. That is one of the issues and perhaps the issue that most people focus on. It is the issue that immediately comes to mind. It is, however, not the only issue under consideration with respect to this legislation, and I will talk a little bit more about that in a moment.

The second and equally important issue is how the fish are caught and what impact the activity itself has on the marine environment. The impact of the activity needs to be managed just as much as the quota needs to be managed. For example, the impact of a very large vessel which has the ability to remain in one location for extended periods of time would likely be very different to the impact of several smaller vessels fishing in the area for short periods. These are issues which the expert panel will be asked to report on.

I will turn for a moment to the question of the *Margiris*, because this legislation has indeed arisen because of the application by the *Margiris* to fish in Australian waters. The *Margiris* is a 142-metre vessel weighing 9,500 tonnes. It can process over 250 tonnes of fish each day and has a cargo capacity of 6,200 tonnes. I understand it was brought to Australia by Seafish Tasmania, which has secured an 18,000-tonne quota for jack mackerel and red bait. I also understand that the *Margiris* will tow a net some 300 metres in length. The 18,000-tonne quota is half of the entire allowable catch for the area of coastline which extends from south-western Western Australia to Queensland—roughly from Perth to Brisbane.

The use of supertrawlers is not new to fishing. What is interesting is that today the experience has led to trawlers being banned in several other parts of the world. I understand that that has previously been the case also with the *Abel Tasman*. In 1999 the *Abel Tasman*, then named the *Atlantic Star*, lost its right to fish in US waters after trading its US flag for a Dutch flag. Indeed, the vessel has an interesting history. Let me just take you through that history. Between 1991 and 1995 I understand that the vessel was named the *Apollo Two*. Between 1998 and 2002 the vessel was named the *Siberian Enterprise*. Between 1999 and 2008 it was also named the *Atlantic Star*, and from 2006 onwards it was named the *Annelies Ilena*. It then comes to Australia as the *Margiris* and again changes its name to the *Abel Tasman*.

The interesting thing about all those name changes is: why would you need to continuously change the name of the vessel if it is not to perhaps run away from a reputation that you do not want attached to the vessel? I would have thought that if the vessel was proud of its history it would retain its original name and wherever it went it would use that name—but not so. The vessel seems to change its name whenever it moves from one location to another. I have to ask the question: why does it need to do that?
Can I return to the issue of quotas. I pointed out earlier on that the area that the vessel was seeking a licence for extends roughly from Perth to Brisbane.

If most of the catch—the 18,000-tonne limit that it is seeking a licence for—were to come from one specific location, that would have a significantly different impact on the fishing stocks than if the catch came from an area evenly spread right across from Brisbane to Perth. Those are the kinds of questions and issues that the scientific panel needs to respond to before a licence should be granted. Those are the kinds of concerns that I believe are properly being raised by people across the community and by this government.

Likewise, if the vessel were to remain in one location for extended periods of time, what would it do to fishing stocks in that particular location—including the bycatch, which others have talked about—not to mention the other environmental impacts of having a large vessel like that operating from one specific point? What environmental impacts would result from all that? Again, we do not have answers to those questions. We do not have answers to those questions because we have never had in Australia a vessel of this type. There is no history to go by. There is no precedent to use in order to try and find answers to these questions, so therefore we rely on speculative assessments as to what might or might not happen if we allowed the vessel to fish under the current licence. Frankly, estimates are not good enough. We need to have more reliable information.

Interestingly, on that very issue, I understand that not long ago in New Zealand a similar experience was had in respect of a Korean supertrawler that was allowed into New Zealand waters. It turned out that, even with the very strict conditions that New Zealand applied to their licence, those conditions proved ineffective and that trawler exceeded its quota. I am unable to say what other breaches occurred, but, if the quota itself could not be monitored, then I have to question how well you can monitor each of the other conditions that are attached when a licence is issued to such a vessel.

But it is not just about quotas. Regrettably, too many of the speakers opposite have just focused on the issue of quotas. On the issue of quotas, I accept the science that has been put together by the Australian Fisheries Management Authority. My concerns are not with respect to the quotas. I understand the 18,000-tonne quota that has been sought by this vessel in Australia represents half of the total catch of that particular type of fish, and that that in turn only represents about 7½ per cent of the total fish stocks in our waters. So that is not my concern. My concern is about the impact that a single vessel of this type will have on the environment.

Speakers opposite have also talked about the 50 or so jobs that might be lost if this licence is not approved. If this ship does not catch the fish that are in the waters, other ships will. If that means that we have to license several smaller vessels, I suspect the total number of jobs created by doing that will far exceed the 50 it is suggested will be lost if we refuse the licence to this operator. In fact, it is because of its efficiencies that this large trawler is being brought in. It is in effect to save costs, and in my view that means it will reduce the number of jobs that will be created.

Recreational fishers have also raised their concerns, certainly in my state of South Australia, with respect to the intrusion of a large vessel of this type into our waters. The South Australian government and the Tasmanian government have both expressed
their opposition to this vessel fishing in waters within their jurisdictions. Certainly Minister Paul Caica from South Australia has made it absolutely clear that he does not want this vessel in South Australian waters.

There are a number of other matters that are of concern with respect to this issue. The experience of large trawlers around the world leads me to be very concerned about the impact that such trawlers have. I understand that several countries have already, after having large trawlers in their waters, banned those trawlers from re-entering their waters. It is true they may not have the same fishing management guidelines and regulations in place as Australia does, but nevertheless the fact that these types of vessels are being banned in several parts of the world raises the question as to why. It is clear that we have not had a vessel like this in our waters and therefore the impacts of such a vessel are indeterminable. The scientific panel that will be put together hopefully will be able to address many of the questions that have arisen in the course of the discussion on this issue over the last few weeks and enable the government, if it decides that a licence will be issued, to at least issue the licence with appropriate conditions, which may be stricter and more enforceable than those that are being sought right now.

It is also the case, as we have seen on many other occasions, that it does not matter how good and how tight you think your regulations are; breaches of the regulations are always a possibility. It is always a possibility, even with the best of intentions, that issues such as the bycatch will also prove to be much more serious than the operators of this vessel claim they will be. This legislation simply puts into place a precautionary approach to managing an event that we have never had to manage in the past. It makes more sense to be cautious than to regret the decision after the event, when perhaps the damage has been done and cannot be undone. I commend the legislation to the House.

Mr NEVILLE (Hinkler—The Nationals Deputy Whip) (11:37): I too would like to talk on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. I support the amendment moved by shadow minister Hunt. But let me first say that I am totally and utterly bewildered at the rank hypocrisy of the government on this issue. I have never seen the like. I really thought the live cattle export thing was one of the greatest disasters we had encountered, and in economic terms it probably is, but, on a scale of integrity, this must be close to rock bottom.

Since 2009, the government has been aware of this company. In fact, it has almost encouraged it to come to this country, to bring the Margiris here. You have statements by Mr Burke. You have statements by Minister Ludwig. You have statements by AFMA, our peak fishing authority. Not only that, but the personnel of AFMA would have been appointed by those two ministers. For heaven's sake, it has your fingerprints all over it. So the Margiris comes to Australia. It complies with all our rules and regulations. Fifty employees are nominally employed. And then we drop the axe on it. And now we have spent the debate today, starting with the member for Corangamite and going down to the last speaker, talking about and demonising the Margiris.

If you want to know where I stand, I am not a great fan of large factory vessels. I make no apology for that. But that is not the debate we are having today. The debate we are having today is about whether this company came to Australia appropriately, almost at the invitation of the government,
complied with its requirements, was given a quota of 18,000 tonnes—which, by the way, I think is excessively high—and then was told to stop. And how was it told to stop?

This legislation that the government is proposing and that we intend to amend gives the minister almost unfettered powers, powers that can be used in a draconian way or in a capricious way. The definitional powers in it are just so wide that you could drive a bus through them. First, the minister has the authority to declare a fishing activity a 'declared fishing activity', so he can pick anything out, anywhere in Australia. It is not just the *Margiris*; this is just the start of a new regime in fish management. And then, on the very flimsiest of grounds, he can bring his powers into play on environmental, social or economic impacts. The effect of that could be devastating. Contrary to what members of the government have been saying today, we are opposing this bill not so much because of the *Margiris* situation, bad as that is, but because this introduces a new level into fish management—and into primary industry management, for that matter—the like of which we have never seen.

I want people to get a bit of an understanding of what a vessel like the *Margiris* is capable of. In Queensland we have, through a whole series of state, state-federal, federal and now federal offshore activities, a whole regime of control of the fishing industry which is, quite frankly, draconian and which has drummed countless good people out of the industry. There is a thing called the east coast trawl plan, which reduced the number of trawlers on the Queensland coast from 750 to 500—in fact, it reduced it even more, to 460. We were told that the reef was now sustainable, 'But we need a little bit more of the area of the marine park for scientific and other purposes,' and that was to be an absolute maximum of 20 per cent. When the maps came out, was it 20 per cent? No, it was 34 per cent.

Where I live—where the Gladstone, Bundaberg, Hervey Bay and Tin Can Bay fishermen live, who use the southern part of the Barrier Reef—effectively fishermen were losing 70 per cent of their fishing area. These guys have been through hell. Some of them went and bought new trawlers, so that they could go where? To the largely unregulated Coral Sea. But, once again, Labor was ready for them. We have heard from the member for Leichhardt today how the longline tuna fishermen have been slowly squeezed out of the business. Various green groups come to me and say that the longliners really wanted to get out of the business. In the end they did want to. Why? Because the number of hooks they could use was restricted, where they could fish was restricted and how many tonnes they could catch was restricted, to the point where it was not an industry anymore.
Of course they would take compensation—the poor devils had nothing left.

Then we had the effects of the Great Barrier Reef Marine Park annual research plans program, which hopefully sometime in the future will be reviewed. Some people took compensation from the program, or sold their smaller vessels and got into larger vessels to go into the Coral Sea. But what did we find there? We then had about 30 trawlers owned by about 20 entities—not a lot of people at all. I know one fisherman who has a capacity of 30,000 to 50,000 tonnes in a year; I suppose there might be the capacity, with all those vessels, to take about 300,000 tonnes. But the member for Leichhardt told us today that in Papua New Guinea waters alone one million tonnes is taken; in New Caledonia waters the figure is 1.4 million tonnes. What sort of idiots are we? We are not saving the planet. We are fattening up the fish in our part of the Coral Sea for the people who can come into the international waters on the northern side and fish it out.

If any honourable members really want to see what goes on in the world, go and have a look at the Tokyo fish market. Go and see those huge igloos—like Second World War air force igloos—with the rows and rows of tuna and the auctioneer going along on a little stool and knocking down every single fish. There are rows of them, every day—tens of thousands of tonnes. Then look at what we do. Down the whole east coast of Queensland, not just in the Great Barrier Reef Marine Park, we have various types of prawns, including eastern king prawns, tiger prawns and endeavour prawns. The total output of that whole strip of coastline is about 4,400 tonnes. If you add 600 tonnes of scallop meat, it is about 5,000 tonnes. The Margiris can hold in its coldroom 6,200 tonnes. The Margiris can hold in its coldroom more than the entire prawn and scallop production of Queensland in a year. I am saying that not to demonise the Margiris but to demonstrate the extent of the controls we have imposed unfairly and unnecessarily on Australian fishermen. They are ridiculously draconian, ridiculously constrictive, to the point where in our own supermarkets we are buying 72 per cent foreign fish. Here we are, the great clean, green marine environment in the South Pacific, and we cannot catch enough fresh fish for ourselves. What a ludicrous situation.

I come back to my original theme. This is draconian, capricious legislation that will not just stop with the Margiris; it will be a double-edged sword that will cut a swathe into many other areas where this government want to pander to the Pew foundation or some element of the green industry or the Greens party. It will put our fishermen in situations that might be embarrassing for the government. We have seen their grand gestures like closing down live cattle exports, like putting pink batts in roofs, and now they are closing down the Margiris for two years—but not on any grounds of science. For God's sake, they had three years to examine the science, yet now we have in the House today this rushed piece of legislation. This legislation should be tossed out but, in the event that we cannot toss it out, we will at least do our very best to amend it.

Ms HALL (Shortland—Government Whip) (11:51): The member for Hinkler's contribution to this debate on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 was one of the most interesting I have ever heard. He put a very strong argument for endorsing the government's legislation, yet he then turned around and said he opposes it. He argued that bad fishing practices in other parts of the
world—practices which have led to the depletion of fishing stocks—are a reason for Australia to have bad fishing practices as well. It was a very confused contribution. He argued against sustainable fishing whilst, on the other hand, pointing out the problems that exist. He pointed out the Margiris's enormous capacity—6,200 tonnes—and talked about the problems faced by the fishing industry in Australia. But he then said that he does not support this legislation to prevent the Margiris from fishing in Australian waters.

I come from a coastal electorate. We have had issues with fishing within the Shortland electorate. Lake Macquarie is at the heart of the Shortland electorate. Over the years, issues surrounding fishing have been very much on the table. In my electorate I have been approached by many fishers, both professional and recreational, and they have all put compelling arguments to me that we cannot allow this ship to fish in Australian waters.

Mr Baldwin: So why, yesterday, did you vote in the Senate to approve it?

Ms HALL: I hear the member for Paterson. Hopefully he is offering his support for the recreational and professional fishers in his electorate. The father of a fisher from his electorate was the first person to hit my office complaining about this ship fishing in Australian waters. If the member for Paterson were in tune with his electorate, he would know the depth of feeling fishers have towards this ship fishing in Australian waters.

Australia has a long and proud record as a leader in sustainable fishing. The legislation before us today recognises that decisions on fisheries need to be based on scientific fact, not on emotion. This legislation is about ensuring that scientific facts are collected before any decision is made. If we were not interested in the science, we would either allow fishing to continue—without having any true knowledge base—or, alternatively, we would ban it up-front. In two years, we will have that information. I am quite sure that, when that information is collected, it will lead to a ban on ships like the Margiris fishing in Australian waters.

This ship has been forced to change its name on numerous occasions in various parts of the world. It has a storage capacity of 6,200 tonnes. That means it is capable of catching 20 bus loads of fish each day. It is twice the size of any boat currently fishing in Australia, and this boat would be fishing in direct competition with Australian fishers—fishers such as those in the member for Paterson's electorate. The potential for bycatch is enormous—turtles, dolphins, seals and undersized fish. One of the key factors in fishery management is making sure that the fish caught are the correct size so as to ensure that breeding can continue.

I think the sustainability of our fishing industry is extremely important and something all members of this parliament would like to ensure. Having a sustainable fishing industry means that those of us who do not fish can continue to enjoy the fish which come from our ocean and that those who work in the industry can maintain their jobs. I want to see the professional fishers in my electorate able to continue fishing.

I mentioned Lake Macquarie earlier. Some 15 years ago, professional fishing in the lake was causing a depletion of fishing stocks and there were issues relating to bycatch. There was enormous division within the community between professional fishers and recreational fishers. The outcome was that professional fishing was banned in Lake Macquarie. We still have a strong professional fishing presence in the area—the professional fishers have moved to ocean...
fishing. The difference the ban has made to fishing stocks in Lake Macquarie has been enormous. Fish stocks in the lake have increased. That has helped maintain the lake as an enjoyable spot for recreational fishing. As a result, tourism to the area has increased. So there are enormous benefits from ensuring sustainable fishing.

So sustainable fishing in Lake Macquarie has gone from being on the edge of falling over, when we had professional fishers fishing in the lake, to the point now where we have a very healthy lake, with the fish stocks increasing on a daily basis. If you extend that to the fishing trawler dealt with in this legislation— which has the ability to take large stocks of fish—you can see that the impact on the sustainability of our fisheries would be enormous. What happened on that small level in Lake Macquarie will happen on a much bigger level on the Australian coastline as a whole.

So the legislation we have before us today is very important, and I am disappointed— very disappointed, actually—that the opposition are not supporting it. We on this side of the House know that the strategy of the opposition is to oppose for opposition's sake, so every time we put up a piece of legislation we are ready for them: we have the expectation, shall I say, that the opposition will oppose it. I spoke last night on the charities and not-for-profits bills, which I thought the opposition would support. But, no, it opposed them. Today I am talking about sustainable fishing, about ensuring that our fish stocks are not depleted by the Margiris coming into Australian waters. However, rather than having any vision and looking to the future, I would argue strongly that the opposition are opposing this bill for opposition's sake, and without having spoken to their communities. This bill is about assuring the community that environmental controls are in place, which reflects the community's expectations.

The bill will set up an expert panel that will assess the science to answer the very important questions being asked about this supertrawler. As legislators—I repeat, as legislators—we have the obligation to assure the communities that we represent that adequate controls are in place and that we will have sustainable fisheries into the future. I believe the legislation we have before us today will do just that.

The Margiris—or, should I say, the Abel Tasman, because it is has changed its name again—was being assessed under a 20-year-old act. Since then, of course, many changes have taken place, and so the minister needs to take into account new or different types of considerations. It is very important that we are able to look at this from a different perspective. The legislation does not say 'new fishing activities'; it says 'specified fishing activities'. That is because there may be a change in the way that a past activity is playing out.

It is really important that this legislation gets through this parliament, and quickly, because it is vital for the future. We cannot allow uncertainty about fisheries to continue, and this bill is about making certain that we will have a sustainable fishing industry into the future. We need to look at all the implications—social, environmental and economic—associated with this supertrawler operating in our waters. One of the strong points of this legislation, I think, is that both the minister for the environment and the minister for fisheries must look at imposing these conditions and there has to be agreement before we can go down this track, as there is in this case. We cannot allow uncertainty—not on issues like this.

I do not think any issue has engendered such wide-ranging debate in my electorate as
this one has, given that, as I said at the
beginning, it is a coastal electorate and we
have had issues around fishing in the past. I
can share with this House that not one person
has contacted my office to say that the Abel
Tasman, as it is now called, should be
allowed to operate freely in Australian
waters. I agree with my constituents. I think
that a very, very strong case against that has
been put forward, but to make sure that that
case is based on scientific fact we need to go
down this path.

I commend the minister for bringing this
bill before the parliament to deal with an
issue that is so important to the community
that I represent and to the Australian
community as a whole.

Mr B ALDWIN (Paterson) (12:06): I rise
to speak on the Environment Protection and
Biodiversity Conservation Amendment
(Declared Fishing Activities) Bill 2012.
Hypocrisy reigns supreme in this
parliament, because Minister Burke, as the minister for
fisheries, in 2008 released the Australian
Fisheries Management Authority discussion
paper Small pelagic fishery harvest
strategy. That report was revised in October 2009.
The report says, on large factory freezer
vessels such as the Margiris, now the Abel
Tasman:

… there are considerable economies of scale in
the fishery and the most efficient way to fish may
include large scale factory freezer vessels.

Hypocrisy reigns supreme not just because
the minister who is now moving this bill was
the fisheries minister who appointed the AFMA commissioners in whom he now says
he has no faith; hypocrisy reigns supreme
within the Labor Party because Senator
Ludwig, the Minister for Agriculture,
Fisheries and Forestry, reaffirmed the
18,000-tonne quota on 23 August, and on 10
September the Labor government voted to
support the quota. Why the shift, in two
days?

This bill is not based on science. It is
based not on sound management nor on good
governance. This bill is based on hypocrisy,
because the government do not believe what
they are saying; nor do they believe in what
they are doing. I have concerns about this
bill because it is bad policy being brought
upon us by a bad government, driven by the
wrong reasons. The measures in this bill, in
effect, were debated in the Fisheries
Legislation Amendment Bill (No. 1) 2012. I
spoke to that bill on 16 August:
The amendments to the bill will allow for
emergency power to be introduced to partly close
or close a fishery without stakeholder
consultation in case of emergency.

The minister for fisheries already has these
powers—voted on, supported. Now this
government wants to override the minister
for fisheries, to override AFMA and to
introduce new powers for the Minister for
Sustainability, Environment, Water,
Population and Communities. I would have
thought that the left hand might have spoken
to the right hand, that there might have been
a whole-of-government approach.

The member for Shortland raised the
recreational fishing industry. I do a lot of
work with the recreational fishing
industry. I am part of their group. What concerns them
is the ad hoc way in which
this has been put
together. In division 2, subdivision A, at
390SC, the bill says:

What is a declared fishing activity?
1. A declared fishing activity is a fishing activity
that is specified in:

It goes through a range of measures and then
says:

2. A fishing activity means an activity that
constitutes fishing.

Then, in subdivision B:

390SD Interim declaration
Making an interim declaration

This is the part that concerns me:
(1) The Minister may, by legislative instrument, make a declaration … that a specified fishing activity is a declared fishing activity.

(2) When making an interim declaration, the Minister may identify a fishing activity by reference to all or any of the following:

(a) a method of fishing;
(b) a type of vessel used for fishing;
(c) a method of processing, carrying or transhipping of fish that have been taken;
(d) an area of waters or of seabed.

From my reading and understanding of this legislation, these measures can apply to recreational fishermen. This minister, at a whim, without any science and without any consultation can shut down entire areas, not just for commercial fishing but for recreational fishing as well. The minister will no longer be required to go through the management processes for marine parks. He can just shut down at a whim the entire Coral Sea, the entire Great Barrier Reef, all of the Commonwealth waters off New South Wales and all of the Commonwealth waters off Victoria and Tasmania. He can shut down all the waters off South Australia, off Western Australia, off the Northern Territory and off Lord Howe Island. This minister will have unfettered powers which are not restricted to commercial fishing; they can apply equally to recreational fishing.

If you want to understand how concerning this is, look at the first part of this bill, which talks about the penalties. If this minister decides that an area is to be shut down for, let us say, recreational fishing, the civil penalty is:

**390SA Civil penalty—declared fishing activities**

... ... ...

(a) for an individual—5,000 penalty units;
and then:

**390SB Offence—declared fishing activities**

(1) A person commits an offence if:

(a) the person takes an action; and
(b) the action is taken in a Commonwealth marine area; and
(c) the action is a declared fishing activity.

Penalty: Imprisonment for 7 years or 420 penalty units, or both.

So now, because of the mismanagement of this government—the lack of understanding in what they have done, the failure to consult—we see a situation where recreational fishing can be captured by this bill. The members of the Labor Party talk about good fisheries management and say that they have done the science. I have concerns about the science by the independent commissioners appointed by Minister Burke and the scientists who have said that the science is correct. It has been reaffirmed this week. In fact, Minister Ludwig said in the Senate this week that the science is correct. If the science is correct and they have concerns, who will drive this legislation—which can shut down a fishery based on social concerns? It could be people such as GetUp!; it could be people such as the Pew foundation. It could be anyone who creates a social concern, which then gives the minister the leeway to shut down or declare invalid a whole fishery—not just for commercial fishing but also for recreational fishing.

People target the *Margiris*; I too have concerns about the size of the vessel. I would much rather that 10 smaller vessels employing 10 times the number of people worked an area. But this government and, in particular, this minister for the environment when he was minister for fisheries, sought vessels of the size of the *Margiris* to undertake the fishing of 18,000 tonnes of mackerel and redbait. The difference is that this capture will be used and frozen for human consumption rather than just for baitfish. If indeed they wanted to apply better fisheries management, they would
have a move-on provision—in other words, they would specify that only a certain amount of the 18,000-tonne catch could come from certain areas, which would be broken up by the size of the catch. That would spread the risk of overfishing in one area across the whole of the nation.

There is no argument that the 18,000-tonne haul is a concern. People have concerns over the size of the vessel and the size of its haul, and I can understand that. The recreational fishing people have expressed that concern to me. But, in my discussions with them, people from the recreational fishing industry and the main peak bodies said to me, 'If there were move-on provisions, it would lessen the heat and the argument.' This government has not listened to the people who are affected; it has listened to the green groups, such as GetUp! and Pew. This bill gives so much potential to cause damage to an individual minister, who is irresponsible and hypocritical. As I said, this is the minister who appointed the ACMA commissioners and this is the minister who in the Small Pelagic Fishery Harvest Strategy went out and sought vessels of the size of the Margiris. He now wants to stop fishing by such vessels on the basis of social concerns. Either you base things on science and then manage the science and the expectations or you play to populist politics.

Why did none of the members here stand up before Minister Ludwig spoke in the Senate and approved this legislation on the 10th? Why did they show no concern? In fact, one of their own members, the member for Braddon, an area that is affected, said in the Advocate on 4 August:

Sometimes you've got to stick with what you believe is right when popular opinion might not agree. You have faith in your institutions and you demand they be accountable, but if through sheer populist sentiment you push your institutions aside, what hope have you got?

That statement was made by one of the parliamentary secretaries—a man who has the port of Devonport in his electorate. But hypocrisy knows no bounds, because on 11 September he put out a press release which said:

Sid Sidebottom … today welcomed the news today that the Federal Government will introduce legislation to toughen up environmental controls on vessels like the super trawler.

Mr HARTSUYKER: You can count on Sid!

Mr BALDWIN: You can count on Sid! He's always there to be depended upon! So, when his own community is depending on him, what does he do? He takes an each-way bet.

What you need to consider in environmental management of fisheries is regional total allowable catches. In other words, only so much can come out of each area. That spreads the risk over a broader area. What you need to understand is that people such as the Australian Marine Alliance have problems with this draconian bill. The chief executive of the AMA, Dean Logan, said:

The explanations given by ministers Ludwig and Burke throughout a range of media interviews over their knowledge and handling of the so-called super trawler have been watched closely by all involved.

He went on to say:

The majority of comments raise very serious concerns about whether both ministers, especially Minister Burke, have actually misled the Australian community. Perhaps more on this will be exposed by a freedom of information request and almost certain court action.

What people want is good management and a solid, secure pathway. Those who invested on the basis of an express approach by Mr Burke, who wanted the ship in here in the beginning when he was fisheries minister want is low sovereign risk. This bill denies it. The recreational fishers want a realistic
outcome, which can be achieved in relation to this fishery by having move-on provisions—in other words, regional total allowable catches. The recreational fishers also want exclusion from this bill. The recreational fishing industry wants not to be caught up in this form of politics. As I said at the very beginning, this minister, with an express wish, can shut down any fishing. He could shut down snapper fishing more than three miles offshore because someone says that it is socially unacceptable. He could shut down the recreational shark fishing in Victoria because somebody says, 'We don't think that's socially acceptable'. He can shut down any fishing. As I said, he can shut down the entire Great Barrier Reef for recreational fishing as well as for commercial fishing without having to go through any due process. After the minister has made a decision to do that, he has to report to a committee. But there are no guidelines in this bill as to who can be on the committee and what qualifications they must have. The committee, as I said earlier, could consist of the Greens, the GetUp! Movement, the Pew Foundation, or anyone who wants to get involved in the social politics.

This government needs to stand firm on its commitment and address its own bill by adding to it move-on provisions, and, in particular, by amending the bill to exclude recreational fishers. I call on the government to walk in here today and move an amendment to its own bill, before we do so, to exclude recreational fishing activities from being caught up in this legislation.

Mr WILKIE (Denison) (12:21): The federal government's decision to stop the supertrawler operating in Australian waters for up to two years is, I believe, a very significant and a very positive development. I applaud the government and the Minister for Sustainability, Environment, Water, Population and Communities in particular for finally acting in this matter. The case against the supertrawler is, in my opinion, overwhelming. For a start, there are doubts over the science.

Can I say up-front that I have enormous respect for the Australian scientific community and for the work that it does and I am very mindful of the fact that, in my electorate, I have a disproportionate number of marine scientists and fisheries experts—in fact, one of the highest populations of such people, pro rata, of any city in the country. But the fact is that the views in the scientific community are divided; there is not a clear consensus one way or another in this matter. For example, in Tasmania, our own Dr Andrew Wadsley has done some very good work picking apart the science behind the quota and has found many errors. Further afield, Professor Jessica Meeuwig, who is a research professor at the University of Western Australia, has had this to say:

But we are largely ignorant about the effective population structure of these species. Of the four species considered for exploitation, the population structure of blue mackerel is uncertain, and jack mackerel and red bait are believed to have eastern and western subpopulations. No dedicated population studies have been conducted on red bait nor is any information available for Peruvian jack mackerel. Moreover, little is reported about adult movements of any of these species except that larger jack mackerel are found in deeper waters.

That is one opinion from a very highly regarded Western Australian professor. I will quote again, this time from a friend of mine from Hobart, John Biggs. In an online blog comment this morning, he wrote:

Science's role is to provide the information on which policy can be made, its role is not to create policy. Policymakers certainly need to take the science into account, which means they are satisfied it is fully up to date … But policymakers also need to take into account a range of other
factors, including the opinions of the public who elected them. Science may tell us what can happen but that does not mean to say it should happen. And in any case, the science here is focused on a specific species, not the whole ecosystem, is out of date and statistically wrong according to Dr Wadsley and others.

There are also doubts, in my opinion, over the effectiveness of the government's safeguards and, in particular, the promise of an observer onboard the supertrawler *Margiris*. To save money, the government is moving to replace fishing observers with electronic monitoring through the Fisheries Legislation Amendment Bill (No. 1), which passed this House in August and is now before the Senate. The government variously described the conditions it had imposed on the *Margiris* as 'tough', 'stringent' and 'best practice' but the reality is that the key condition of an onboard observer was nothing more than a facade. In introducing the bill, Parliamentary Secretary for Agriculture, Fisheries and Forestry, Sid Sidebottom, told parliament:

Trials and cost-benefit analyses have shown that the more data that is required for a fishery, the cheaper it will become to use e-monitoring systems, rather than observers.

There are also doubts about the risk of localised stock depletion. This is one of the most important reasons that a single large vessel is much more problematic than a number of smaller boats filling the same quota. I suggest it is self-evident that one very large vessel with one very large net going into a relatively small fishery will have a disproportionate effect compared to a smaller number of vessels, which would probably operate across a broader area by comparison.

Another problem with the supertrawler *Margiris*—and I will call it *Margiris* because I think renaming it *Abel Tasman* was downright offensive, particularly to the Tasmanian community—was that it had no social licence. Very few Tasmanians in particular wanted the vessel. That is not at all surprising, considering there are well over 100,000 recreational fishers—men, women and children—in Tasmania in a population of only half a million. I understand that elsewhere in Australia there are similar levels of concern with supertrawlers. This is very important. We in this House should represent our communities. It is too easy to simply say, 'Some government agency at arm's length knows more and we will disregard the view of the community.' That is not our job and we should not do that; it should only be done in extreme circumstances. It should not have been done in this case.

There has also been the problem of the misconduct by the Australian Fisheries Management Authority when setting the quota relevant to the *Margiris*. I refer here to AFMA advisory committees. The outcomes of the February meeting of the resource assessment group were not accurately recorded and concerns by at least two members of the group were not communicated up the chain to the management advisory committee. We know that because the concerns of at least two members of that committee are now on the public record. Their concerns went to what is called the South East Management Advisory Committee. We know that at its meeting in March—the key meeting when the recommendation for the quota relevant to the supertrawler *Margiris* was finalised—the committee did not comply with the Fisheries Administration Act. We know that the proponent for the supertrawler, Mr Gerry Geen of Seafish Tasmania, a man with a direct conflict of interest, remained in that meeting—which in my opinion was entirely improper, but it was allowable as long as the committee had explicitly given him approval...
to remain in the meeting, and they had not. When I challenged the CEO of the Australian Fisheries Management Authority about this, remarkably the CEO said that AFMA does not take its act literally—that, in fact, it has developed in-house workaround arrangements because it has difficulties with the act.

I have taken these concerns to the ombudsman, and I am pleased that the ombudsman feels there is enough substance to my concerns about the conduct of AFMA that it is currently investigating the Australian Fisheries Management Authority, in particular its conduct regarding the setting of the quota relevant to the supertrawler Margiris.

Finally, there is also a question mark over the big picture and the fact that AFMA blocked the supertrawler Veronica in 2005 with the support of the Howard government. In fact, at about the same time, the proponents for the supertrawler Margiris commenced their work. 'So what?' you might ask, Mr Deputy Speaker. Well, the proponent for the Margiris, Mr Gerry Geen, was on at least one of the AFMA advisory committees in 2005 when AFMA blocked the Veronica. If that does not raise serious questions about the conduct of AFMA and whether a supertrawler should operate in Australian waters then I do not know what will.

I am not saying that Mr Geen has done anything wrong in these matters. In fact, I am genuinely concerned that Mr Geen has been allowed to do a lot of work, spend a lot of money and give employees a lot of hope when his expectations really should have been cut short long ago by either the Howard government, the Rudd government or, much earlier, the Gillard government. No, my issue here is with fisheries management in Australia and the fact that far too many people with direct conflicts of interest are allowed to occupy positions on key advisory bodies. Remember that Mr Geen, from Seafish Tasmania, the proponent for the supertrawler Margiris, was heavily involved with AFMA when a competitor vessel, the Veronica, was stopped, and he was again heavily involved more recently when the quota relevant to the Margiris was set. Surely, this is entirely improper of AFMA and should not be allowed to continue.

I urge the government to turn yesterday's announcement into law as quickly as possible—and I urge my crossbench colleagues to support the government. I also urge the government to ensure that this two-year assessment process which has been identified is done effectively and is absolutely beyond question. And given all the uncertainty over the setting of the quota for the supertrawler Margiris I also urge the government to revoke that quota and not allow any other vessel to fish it in the interim. Regrettably, I would also add that, while the government's announcement yesterday is to be applauded, I think it could have gone much further. Ultimately I will be supporting an amendment I expect to be moved by the member for Melbourne which would seek to ban supertrawlers permanently.

I would like to quote from a Greenpeace fact sheet on some of the issues we need to consider about toughening up the government's bill and banning supertrawlers permanently. The supertrawler Margiris is 142 metres long, twice the size of any vessel that has fished Australian seas previously. It is six times longer than the average Australian fishing vessel. It can process— and this is a typical supertrawler—up to 250 tonnes of fish a day and store 6,200 tonnes of fish before it has to return to port. This is fishing on an industrial scale never before seen in Australia—nor should it be. Fishing on such a scale has an enormous bycatch that
kills a large number of very precious animals. For example, in the past 15 years, bycatch from the 20 supertrawlers fishing off West Africa has killed an estimated 1,500 critically endangered turtles, more than 18,000 giant rays and more than 60,000 sharks. And not only are they destroying these precious animals, they are destroying jobs. Supertrawlers are inherently machinery intensive and personnel light. They are job killers, not job creators. They have done enormous damage around the world where they have been allowed to operate. For example, they collapsed the South Pacific fishery. I am still quoting from the Greenpeace fact sheet here. 'Scientists said there were so many jack mackerel in the South Pacific that the fishery was impossible to overfish. But supertrawlers, including the Margiris, fished so much that in 2006 the Pacific fishery collapsed to 10 per cent of healthy stocks. Fisheries managers are calling for fishing to be cut by half, with some scientists arguing for a five-year total ban in that fishery.' They have also effectively wiped out West Africa's commercial fish stock. 'Since supertrawlers, including the Margiris, started fishing off the west coast of Africa, most commercial fish stocks have become fully exploited or overexploited.' In other words, there are effectively no more fish for commercial fishing—and that is what supertrawlers have done in recent years in other parts of the world.

Frankly, it should be up to the proponents of such vessels to prove to us that they are environmentally and economically sensible, rather than the current situation where it is up to the government to prove that such vessels are inappropriate. I believe that if we were to amend the government's bill and ban supertrawlers permanently it would put the onus on any future proponent of a supertrawler to make a strong enough case to convince a future government to change the law. It should not be up to us to work out how to say no. The onus has to be reversed. It should be up to the proponents of supertrawlers to convince us in the future that they have changed their ways and things are better. It should be up to a future proponent of a supertrawler, if they want to have one operate in Australian waters, to persuade a future government to change the law to allow it.

I will wind it up there. I will finish by saying that yesterday's news was great news for a great many Australians, certainly for the overwhelming majority of Tasmanians that I am aware of. I applaud the government for doing it and I call on my crossbench colleagues to understand that the government's bill should be applauded. And the issue of science is a fair point, but remember that there is uncertainty even within the scientific community.

Ms LEY (Farrer) (12:36): I am pleased to speak on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012, which those listening to the broadcast would assume concerns the activities of the supertrawler Margiris. And I guess, in one sense, it does, except that, when you look at the extraordinary powers that this bill will give to the minister for the environment, you could be forgiven for thinking that he, with his partners the Greens, has taken this opportunity for a giant regulatory overreach. That regulatory overreach will give the Australian government, in the form of its environment minister, control over fishing activities anywhere, in any capacity, done by any body, organisation or individual on the basis of a new term, 'social uncertainty'. It is a term that I have not encountered in legislation.
Like most people in my electorate of Farrer, some of whom have contacted me today, when I look at images of the supertrawler I do not like what I see. That is an instinctive reaction. It is the kind of instinctive reaction that many people would get when they visit an abattoir or see some of the perfectly legal and perfectly humane activities that are carried out in the farming industry. There are parallels between this issue and the live cattle debacle engineered by this government. But we cannot stand in this place and react on the basis of instinct. We can use our instinct to look again at a situation, to analyse it, and to say to our scientists and departmental experts: ‘What’s going on here? What really is happening? Do you have any ability to make changes?’ We can and we should do those things. I am sure that, up to a point, the minister has done those things. But what has been produced for the parliament to consider today is not that.

If the minister particularly wanted to target a piece of regulation or legislation aimed at the supertrawler Margiris he could have done that. He could, for example, have introduced some provisions to make the ship move on—in other words, not stay in the same catchment area for longer than a certain period of time. He did not do that. He could have, and it has been done, legislated for a particular vessel on a particular occasion. There are many reasons why that would be a bad public policy approach, but he could have done that. In an attempt to address community concerns about the Margiris this minister has gone to the extreme. He has given himself almost unlimited powers, which will impact on every family fishing boat around the country.

I do not represent any ocean. The electorate of Farrer comprises 30 per cent of the state of New South Wales and it is all a long way from the sea. But I do represent recreational fishers and I do represent communities that love angling, that have seen the invasion of the concept of inland marine parks, that have seen a horrible, complicated bureaucracy grew up around just wanting to go out on a Sunday afternoon and throw a line in the waters of Lake Hume, the Menindee Lakes or the Murray River. Those communities are being attacked by the bureaucracy from every side.

The reason I want so strongly to speak against this bill is to recognise not only the appalling principle that is being engineered by this government but the rights of people in my electorate to carry on fishing and angling, and to carry on doing their business. They want to be able to do that in a way that does not leave them with a federal environment act overseeing their every single move, an act that has the ability to stop the activity, to limit it and to put in place something so unrealistic that the very Australian activities of recreational fishing can no longer take place.

I have talked about principle. One of the principles we are seeing in this is a government that is making policy on the run. In the process, it has given the minister unlimited powers, but what has really happened is that a social media campaign, very successfully engineered by GetUp! and the green movement, has pushed this government into action. Social media is an amazing opportunity for people to make their point. From relative obscurity they can suddenly be in the public eye. It is something we have to countenance and resist up to a point. It is policy-making on the run; it is quite interesting to see. Every family fishing operator and every recreational fisher will be impacted by this.

Let us look at the language of the minister's bill. Clause 390SD(2) says:

… fishing activity by reference to all or any of the following:
(a) a method of fishing;
(b) a type of vessel used for fishing;
(c) a method of processing, carrying or transhipping of fish that have been taken;
(d) an area of waters or of seabed.

The minister will be able to overturn any fishing activity on the basis of even the slightest social complaint. There does not have to be any evidence. An uncertainty can be created by a complaint from a political source, from a lobby group interest group or from a social media website. This absolute power can apply to economic or environmental complaints. There is no indication what the term 'uncertainty' means in this legislation. It provides scope for the minister to stop any fishing activity without any substantive case. That creates a cloud over our entire fishing industry.

This bill, by stealth, accident or sheer incompetence, will impose the most extraordinarily draconian powers on basic rights, which is why all parliamentarians in this place should oppose it. The minister is saying that he will decide who fishes, and where, when and how they do so. It does not matter what investment may have gone into a pipeline to provide the opportunity for people to work in the fishing industry, what investment there may have been to get a ship, a boat, a trawler out into the waters. I am not talking about the supertrawler; I am talking about any fishing vessel. Nobody can have certainty. You could have gone to all this expense. You could have worked-up the ship and the crew. You could have provided jobs to long-term unemployed, which I understand is what the supertrawler has done and which many fishing vessels do in areas where unemployment, particularly youth unemployment, is quite high. You could have done all those things and you could have a lot of skin in the game as a small business, which a lot of our fishing enterprises are, and see the minister decide that, because of a complaint, because of a whim, it is all going to be ended. There is no point in members of the government saying: 'That's not what this is about. That's not what this minister would do.' That is not the point. The point is that we in this place should not give ministers this undue power. We have the Australian Fisheries Management Authority. We have had the science, we have had the advice, we have appointed independent experts. We appoint independent experts in this place to death because we know that we are not the experts. Yes, we can make decisions based on what they tell us. We should not contract out the decision-making, which is something this government does very well. We should not contract out the decision-making to independent bodies, but we should rely on their advice.

Where this advice tells us, as it has in the case of the fisheries, that this is one quota that will not result in more fish being extracted from our seas and that this is in line with every international and national agreement and piece of policy that we have at this point in time, why would the minister race in here on a whim reacting in a moment of horror in the face of what is just an environmental campaign? It has been writ very large by social media, admittedly, but it is a campaign nevertheless, not based on fact, principle or any good public policy.

We have no idea what the parameters of this 'uncertainty'—and the term in the legislation is 'social uncertainty'—might be. As I asked before, will it apply to a lake in the middle of my electorate? Will it apply to every lake in Australia until the minister's assessment of that uncertainty rests? Does it affect the Murray or Darling rivers, which also flow through my electorate? We have already seen the greatest level of uncertainty since Federation occur up and down the
lengths of these mighty rivers with the government's wrecking-ball approach—the Murray-Darling Basin Plan. This has already knocked irrigation communities for six, through the uncertainty created by the government's completely unrealistic water diversion targets.

As other speakers have noted, a similar knee-jerk reaction occurred with last year's live export ban to Indonesia. During the last parliamentary sitting I met with a group from Gulf Horizons. To hear their description of how an entire pastoral region of Northern Australia is on its knees because of that live cattle decision was truly horrifying—another knee-jerk reaction, another reaction of 'Oh, my God, what do we do about this? There's something that has appeared in the media; we have to act now,' without consideration of process, all the facts or just the appropriate rationale. Millions of dollars have been taken out of farming and freight livelihoods forever in one single swoop. Then of course the agriculture minister went, 'Oops!'—it was another of those moments—and he tried to backflip. This is exactly what we are seeing here with this decision.

Under this amendment before the House, potentially we will see every family fishing operator and every recreational fisher waking up in the morning and wondering what sort of social uncertainty the minister might be experiencing on the other side of the country. Rumours already abound through inland Australia about the possibility that Labor's marine park legislation for our coastline could somehow extend and infiltrate into inland streams and lakes.

If recreational fishing takes any more of a hit in my electorate in western New South Wales then that might be more than the small towns that rely on it for tourism and income can stand. It would be the last nail in the coffin for some of them. If you look at the inland rivers now with plenty of water in them and the country blooming, it is a fantastic place for families to take their children to camp, fish, sit in the sun and have a really good-value Australian holiday—not on the coast, not in Bali and not anywhere offshore but actually to support rural Australia when it needs it but also when it can offer so much.

The minister's intention to extend his powers means that he can do that at any time on any whim. We know that when this government gets a knock on the door from their partners the Greens they react—and they react in a way that is not in their own interests either and certainly not in the interests of the people of Australia.

In making a few calls to local fishing groups and businesses around my electorate this morning I found that no-one is really aware of the extent of these changes the minister is planning to foist on them. That is because there has not been any consultation. How surprising! This government is ramming through legislation with apparently unintended consequences. The fisher who pops his boat out on Lake Hume on a Sunday morning with his son can be penalised for pulling out a trout instead of a yellow belly or a cod simply because some fish libertarian felt socially concerned over the removal of non-native fish stocks! Of course they have not been consulted. What would their response have been? It would have been, 'Please do not go ahead with this draconian and stupid piece of legislation.' As one local fisher told me, you would want the minister to have to jump through a few more hoops before they could bring in anything like this. That is the point. There has not been consultation. There has simply been this awful, knee-jerk reaction designed purely to respond to a populist campaign. As we have seen so many times before, when the dust settles, when the truth—as it always does—
gets out, people will realise, 'Oops, perhaps we shouldn't have done that. Look at these unintended consequences for our country, for our investment and for our fisheries.'

I will end where I began. Instinctively, I am like everyone else. I look at the supertrawler and think, 'I'm not sure about that.' But that is not what we are talking about here today. Ostensibly what we are talking about is an opportunity to give this government an enormous new regulatory power in the area of the environment. If people think that the green groups that have agitated so successfully for this will stop at this and will stop at a vessel of this size without wanting to go the line and look at vessels of different sizes in different fisheries carrying out different activities for different purposes they are crazy. This would only just be the beginning. We should resist it at all costs.

Mr FLETCHER (Bradfield) (12:51): I am pleased to rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. To any objective observer, this is a really puzzling bill. We have a long established system for regulating fisheries in Australia which is recognised around the world for being rational, science based and allowing for a proper balance of commercial and economic considerations on the one hand and environmental and sustainability considerations on the other.

Under the operation of that system, a company based in Tasmania was awarded a quota to fish for certain species of small pelagic fish. The company decided that the way it would exercise its rights to fish up to the limit set by the quota was to bring to Australia a large fishing vessel called the Margiris, now renamed the Abel Tasman. What happened next was that activist groups like Greenpeace and GetUp!, with the enthusiastic support of the Greens political party, started an advocacy campaign designed to raise public concerns about the activities of this vessel, even though its activities will make no difference to the total amount of fish caught.

As recently as Monday of this week the Gillard government was defending the current system. The fisheries minister, Joe Ludwig, had this to say in the Senate:

This government, like those before it, takes the position that output controls, particularly individual transferable quotas, are the preferred approach to fisheries management.

He went on to share with the Senate the advice he had received from 'eminent fishery scientists' of their 'confidence that food-web impacts of the small pelagic fishery on predators and the small pelagic fishery species themselves, including through localised depletion, are unlikely'. In other words, he advised the Senate on Monday that his expert scientific advice was that it was unlikely that there would be adverse impacts on the food web from this fishery activity which had been previously authorised under the existing regulatory arrangements.

Yesterday, however, there was a complete change of position from the Gillard government, leading to the bill which is before the House today and which we are now debating. According to the minister's second reading speech, this bill would:

… incorporate a new chapter into the EPBC Act—
that is, the Environment Protection and Biodiversity Conservation Act—
that will allow the environment minister to prohibit a declared fishing activity while an independent expert panel undertakes an assessment of the potential environmental, social or economic impacts of the activity.

However, this can only happen if:
… the environment minister and the fisheries minister agree that there is uncertainty about the environmental, social or economic impacts …

The other thing that the minister tells us in his second reading speech is that this prohibition can last for 24 months. That is to say that the effect of making this declaration is that fishing activities as specified in the declaration, in that particular area and using the specified methods, are prohibited for up to 24 months. This is truly policymaking on the run, overturning a well-established and world respected system of evidence based policymaking in Australian fisheries management, and the coalition therefore opposes this bill.

In the time available to me I want to make three points. Firstly, we are seeing here from the Gillard government a panicked reaction. The minister's attempts to justify the measures in this bill are threadbare indeed. Secondly, the sweeping new power which this bill would grant the minister for the environment creates great uncertainty for both the entire commercial fishing sector and the recreational fishing community. It should be opposed on its merits. Thirdly, this dramatic backflip by the Gillard government—by no means their first and, I suspect, not their last—adds to the already high perceptions of sovereign risk for those doing business or seeking to do business in Australia.

Let me start firstly with the proposition that what we are seeing here is a panicked reaction to a political advocacy campaign. I have already cited the remarks of Fisheries Minister Ludwig in the Senate just on Monday of this week defending the current system. In addition, Environment Minister Burke just a few days ago issued what at that time was understood to be the definitive response to some of the public concerns expressed in this political advocacy campaign. His measures would have imposed new restrictions on the methods that this vessel could use as it fished. For example, as he told the ABC’s Q&A program, if the vessel were to catch a dolphin—something it is not permitted to do—it would then be required to cease fishing and move 50 nautical miles away before it could start fishing again.

Just a few days later it turned out that that policy response was not his definitive policy response and he now wants new and even wider powers to deal with the issues posed by the proposed activities of the Abel Tasman. Why is it that he now wants these new powers? According to his second reading speech, it is firstly because of:

… the nature of this vessel and in particular its capacity to remain in the same area of ocean for extended periods of time …

It is also apparently because of the following:

Experience over the last couple of months has however shown that the act does not provide sufficient powers to suspend a fishing activity where there is uncertainty as to the potential environmental, social and economic impacts of the activity …

It really is very odd that Minister Burke would say this now when just three years ago, as the minister responsible for fisheries at the time, he oversaw the issuing by the Australian Fisheries Management Authority of something called the Small pelagic fishery harvest strategy. When you read the Small pelagic fishery harvest strategy it describes its purpose as follows:

The development of the Small Pelagic Fishery (SPF) Harvest Strategy (HS) reflects obligations under the Commonwealth's Fisheries Harvest Strategy Policy and Guidelines … the HS is to provide—

that is to say it is required to provide—

the Australian community with a high degree of confidence that commercial fish species are being
managed for long-term biological sustainability and economic profitability.

This document issued under the auspices of then Fisheries Minister Burke went on to say:

- SPF species—
small pelagic fish species—
are an important food source for many threatened, endangered and protected species (TEPs) and other species and it is therefore important that the SPF HS takes into account the ecosystem role of these species …

Finally, this document went on to say:

- there are considerable economies of scale …
and the most efficient way to fish may include large scale factory freezer vessels.

I need hardly add that 'large scale factory freezer vessel' is a good description of precisely the kind of vessel which is now the subject of controversy.

In other words, there has already been a thorough process carried out which balances up the commercial considerations on the one hand and environmental and sustainability concerns on the other, a process overseen for much of the period, as it happens, by Minister Burke. We are now expected by Minister Burke to believe that, when this process occurred, nobody thought about or considered the possibility that a vessel of the size of the Abel Tasman might be used, and nobody thought about or considered the possibility, which is now so alarming to him, that it could stay in one place longer than smaller vessels. Nobody gave this a second thought, even though such vessels are now and were at that time, just three years ago, in common use in many parts of the world.

If Minister Burke were genuinely concerned about this issue, there are a range of other measures that he could use to address it, including, for example, imposing additional conditions requiring the vessel to move on from a particular location after a particular period. But the reality is that he is clutching at straws, desperately trying to find a justification for this measure, which in substance is a response to a short-term political campaign. It is difficult to understand the rationale for the mechanism set out in the bill, which is that, under clause 390SH, there will be an expert panel established to look into the declared fishing activity. We know that the establishment of an expert panel is a preferred tactic of the Gillard government. We saw it with Julia Gillard's 'citizens' assembly', which was going to achieve a 'deep and lasting consensus' on climate change; we saw it in her appointment of Angus Houston and other panellists in an attempt to cover up her backflip on asylum seekers; and now we see the same preferred tactic being used here. On any analysis, it is an empty charade when you consider the very thorough and comprehensive process already undertaken to assess the relevant fisheries activity, including its environmental and sustainability impact.

The second point I would like to make in the brief time I have is about the extent of the uncertainty created for the entire commercial fishing sector, on the one hand, and the recreational fishing community, on the other, by the wide provisions set out in this bill. Under this bill, if it passes into law, the minister will be able to make a declaration that he and the fisheries minister agree that 'there is uncertainty about the environmental, social or economic impacts of the fishing activity'. That is in clause 390SD(3). 'Uncertainty' is a very low bar indeed. It means that the minister will be able to overturn any fishing activity on the basis of even the slightest social complaint. Everyone who has ever dropped a line over the side, and every commercial fishing operator anywhere in Australia, should be alarmed about the potential for their intended
fishing activities to be banned at short notice based on 'social' considerations. The wording appears to have been specifically chosen to give the minister the power to act in response to political campaigns by particular activist groups. The mere existence of such campaigns will automatically qualify as generating uncertainty about the 'social impacts' of the fishing activity.

One point that strikes you on reading the bill is whether there is any limit on the minister's power to use this mechanism repeatedly. Nowhere in the bill is there a provision that the declaration can only be made in respect of a particular fishing activity if no such declaration has previously been made. It is difficult to avoid the conclusion that this mechanism is really a smokescreen for the real motivation of delaying the activity which has caused political offence. It is also noteworthy that nowhere in the bill is there any provision requiring the minister to have any regard to, or do anything in response to, the report of the expert panel once he receives it, other than to publish it on his website and table it in the parliament, under clause 390SL.

My third point is to join with my coalition colleagues in highlighting the way that this dramatic backflip by the Gillard government yet again adds to perceptions of sovereign risk. In industry after industry we have seen the same story play out: businesses invest to carry out lawful operations, and then the Rudd or Gillard government in a political panic changes the rules. We saw the abrupt cancellation of Home Insulation Program after many operators had invested heavily and built up inventory in reliance on the existing rules. We saw the sudden decision to cancel the live cattle export trade, also involving this inglorious Minister Ludwig. And now we see this abrupt eleventh-hour reversal of position on the conduct of fisheries activities by the holder of an entitlement to fish and to catch a certain amount of fish, an entitlement issued by the government under the law after a thorough analysis of the relevant commercial and environmental factors and after setting total catch limits based on scientific evidence. This decision creates sovereign risk issues for anybody who holds a licence to fish in Australian waters and it is likely to dramatically reduce the confidence of Australia's commercial fishing industry to continue to invest—if any quota or licence can be overturned at the whim of the minister. Today's decision makes a mockery of the entire Australian Fisheries Management Authority process on which the government relies for its scientific advice.

I conclude as I started, by noting that this bill is a panicked political response to a campaign initiated by certain groups of activists. It is policymaking on the run. It overturns a well-established, world-respected system of evidence based policymaking in Australian fisheries management. The coalition opposes the bill.

Ms PARKE (Fremantle) (13:06): Fremantle has long been a fishing community and it has long been a leader in environmental protection and sustainability. My community has been thrilled with the federal government’s recent announcement that Australia will establish the world's largest network of marine sanctuaries in Commonwealth waters. That is why, from the moment I heard that a supertrawler was en route to Australia and was seeking to operate in those same Commonwealth waters, serious alarm bells began to ring about what this might mean for local fishers and for marine biodiversity.

When one considers the scale and indiscriminate nature of this kind of operation—with its potential to exact damaging localised depletion of fish species...
for which we have imperfect or non-existent data; with its potential to wreak havoc on the existing food chain and marine ecosystems; and its potential to kill large numbers of animals like seals, dolphins, sea lions and seabirds as the bycatch victims of its enormous drag nets—there can be no question but that the precautionary principle must apply.

And, when one looks into the history and practice methods of supertrawler operations elsewhere and considers the impacts they are likely to have on the distinctive features of Australia's marine environment, there could be no option but to address the legislative inadequacy that has until now prevented the ministers responsible from acting to protect Australia's oceans and fisheries. I am glad that, through the galvanising events of recent weeks, the government has found a way to give the environment minister that power.

For me, the urgency and clarity of taking action—of proposing a private member's bill, together with a number of my Labor colleagues, as part of that galvanising process—was further reinforced by a number of considerations. First, I represent an electorate, and I come from a state, that is within the proposed area of operation for this veritable Godzilla of the sea. The fishing community I represent was quick to make its concerns known about the nature and scale of a supertrawler operation. Commercial fishers in Fremantle, and in WA more widely, are only too conscious of the preciousness and fragility of our fisheries, and they have undergone a series of complex and difficult adjustments over at least the last 10 to 15 years in recognition of the changes required to ensure that our fisheries and our oceans are sustainable into the future. This process has certainly not been without a fierce and frank debate involving fishers, scientists, regulators and conservationists, and it has not been without some economic and social consequences for a number of long-time fishing families in Fremantle, and yet, through that process and the advocacy of marine scientists, there is no doubt that both the recreational and the commercial fishing communities have become acutely aware that our oceans deserve and require stewardship of the highest quality.

A supertrawler fails that standard with its onboard fish-processing and storage capacity of 6,200 tonnes, which means that the vessel can stay in a particular area of the sea for extended periods and trawl it dry. A supertrawler represents the very antithesis of the approach that sustainable Australian fishery management requires and that maritime conservation demands. It is the marine equivalent of strip mining or clear-felling, depleting the oceans of life with industrial scale and efficiency.

My Labor colleagues and I have received the message loud and clear from our communities. This has been one of those issues where a strong public consensus has formed instinctively and decisively around the common-sense view—which is also, I might add, the scientific view—of marine scientists like Professor Jessica Meeuwig; namely, that a supertrawler operation like the one presented by the MV Margiris is unsustainable and presents unacceptable risks to marine ecosystems and local fisheries.

I want to acknowledge the input of literally thousands of people, from experts to ordinary people from all walks of life, in Fremantle and around the country. I thank those who have sent me emails and letters, those who have phoned my office or visited my office to express their concerns and those who have attended rallies and written to newspapers. I recognise with gratitude, too, the support and advice I received from a number of people and organisations,
including the team at Greenpeace; the Wilderness Society; Sea Shepherd; Environment Tasmania; the Save Our Marine Life coalition, especially David Mackenzie, Michelle Grady, Tim Nicol, Paul Gamblin and Chris Smyth; Perth barrister Greg McIntyre SC; ANU professor Andrew Macintosh; and dozens of local fishing organisations that have written to me on this issue. I also want to thank my Labor caucus colleagues with whom I have worked very closely on this issue, particularly my Tasmanian colleagues the member for Franklin and senators Carol Brown and Lin Thorp. I also want to mention the member for Wills, who was going to second my private member’s bill if we had gone ahead with it.

Finally, I want to acknowledge Professor Jessica Meeuwig, the Director of the Centre for Marine Futures at the Oceans Institute, University of Western Australia, and a Conservation Fellow of the Zoological Society of London. Professor Meeuwig provided invaluable and clear-sighted advice on this matter, as she has done in the past, and I want to quote from the letter that she provided to the Minister for Sustainability, Environment, Water, Population and Communities on 27 August. It says:

Increasing the total allowable catch to 18,000 tonnes represents an unsupported 10-fold increase over previous landings. This is a significant increase from one year to the next. The calculation of this new quota assumes that the estimates of biomass are reliable. It is notable that the estimates are generally based on old information (blue mackerel in the East 2004), inferred from other species (jack mackerel—East), or actually entirely absent (jack mackerel—West, Peruvian jack mackerel, red bait—West). It is thus likely that biomass estimates (and associated quotas) are much more uncertain than is currently reported.

Further:

This proposal for a super trawler is clearly an example where significant uncertainty exists in biological knowledge, both in terms of the species themselves and their unfished biomass. The entry of the Margiris is appropriately considered a new fishery from an ecological perspective given it represents effectively a new gear and the Western region is largely unfished and as such, should not be initiated. Moreover, precautionary spatial closures are not yet in place. As such, the Forage Fish Taskforce recommendations do not appear to support entry of a super trawler into Australian waters.

Professor Meeuwig ends her letter to the minister as follows:

In closing, I had the privilege of introducing the documentary "The End of the Line" for a showing at Parliament's theatre in 2011. At the time, I was asked "how is this relevant to Australia? We don't have this kind of highly industrialized supertrawling here." I answered that the film provided a salutary lesson in terms of the negative impacts that such fishing can have on ocean health and how important it is to protect Australia's oceans because they are still relatively healthy. At a time when Australia is leading the world in marine conservation by establishing a legacy network of reserves, it seems incredibly counterproductive and short sighted to introduce more unnecessary opportunities for the overexploitation of our oceans.

I think that makes the argument as well as it can be made, and I know that the minister himself, who, along with his staff and department, deserves enormous credit for the painstaking work that went into the creation of the historic marine protection in the south-west marine bioregional area, has been seriously exercised by the need to prevent the supertrawler from undermining that achievement.

I have no doubt that it was a great relief to hundreds of thousands of concerned Australians to hear yesterday that the government will create the additional powers under the Environment Protection and Biodiversity Conservation Act to allow the
minister for the environment to stop the supertrawler operating for up to two years while the environmental, social and economic impacts are assessed by an expert panel. This length of time is needed because of the present lack of scientific evidence and data regarding the target species and their unfished biomass as well as bycatch impact. The Minister for Agriculture, Fisheries and Forestry has also initiated a root-and-branch review of Australia's fisheries management system to put in place the appropriate processes to deal with issues such as new fishing methods, technologies and vessel types and sizes as they arise.

Among those who will be celebrating this outcome are the students of Fremantle primary school who last week, on a blustery morning at South Beach Cafe, presented the Prime Minister with a card that said, 'Thank you for introducing the world's largest network of marine sanctuaries.' That achievement, which will resonate far into our future, is one of the most significant achievements of this Labor government. It was partly by seeing the importance of our oceans through the prism of that reform process and its outcome that I and many others welcomed the precautionary approach that will prevent the operation of the wandering, plundering MV Margiris—or the FV Abel Tasman, as it has now renamed itself, for what I understand is the fifth time—until environmental, social and economic assessments have been carried out.

There is often a kind of cynicism and doom and gloom when it comes to the political process and its capacity to address problems when they arise, so I would like to finish by recognising that we do have, by and large, a healthy and responsive system of decision making in Australia and that this has been one of those cases where representatives and the people they represent have worked together to find a solution.

Mr CHESTER (Gippsland) (13:15): I rise to speak very strongly in opposition to the government's proposed amendment to the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 before the House, and also the actual intent of this legislation and the uncertainty it creates. Quite frankly, this is an absolutely appalling mess. It is chaotic, it is confusing, it has created uncertainty and sovereign risk for the entire fishing industry, and it is illogical.

I was interviewed today by journalists as I walked into Parliament House, and I spoke about the appalling process we have witnessed over the past 48 to 72 hours. Let us cast our minds back to Monday, when the front pages of newspapers were full of headlines about Labor MPs muscling up to the Greens. It was all very hairy-chested stuff. They were going to take on the Greens. Also on Monday we had the Minister for Agriculture, Fisheries and Forestry in the Senate, Minister Joe Ludwig, extolling the virtues of the Australian Fisheries Management Authority as an independent body responsible for the sustainable management of Australia's fisheries. In all his comments on Monday and leading up to Monday, he was standing by the science. In all of his public comments, that is what the minister was doing. Then we had this collapse yesterday—this absolute, abject failure of governance—as the government caved in, once again, to a little bit of pressure from the Greens and GetUp!
I am not sure why Labor members actually bother going to Labor caucus meetings anymore; they only need to log on to GetUp! to find out what their policy position is going to be; they only need to go to a Greens’ party meeting to actually find out what they are going to be voting for next week. This root-and-branch review, which was also part of the minister’s announcement yesterday, has just opened the door again for more Green madness. This is a classic example of a jellyfish cabinet: there is not a spine amongst them, and, just like a jellyfish, they will cave in the moment there is any pressure whatsoever. Just like a jellyfish, they will float along wherever the political current of the day may take them. And, just like a jellyfish, I am afraid they have not got the brains to chart their own direction. This is an appalling move by the minister for the environment. I knew the minister for the environment had leadership aspirations; I just didn’t realise he wanted to lead the Greens!

Let us get to the substance of the issue before the House today. Let us look at the substance of the legislation and what it means to the Australian fishing industry and quite possibly the recreational sector as well. This bill, if it goes through the House today, will provide unfettered power to the minister to act on the basis of what is described as ‘social uncertainty’. What is ostensibly an environmental act, the EPBC Act, will now have a clause allowing the minister to take action based on ‘social uncertainty’. For the life of me, I am not too sure what that even means. I heard the shadow minister trying to describe it; he said social uncertainty was when Kevin Rudd walked into a room with Julia Gillard, and that is probably as good a definition as I have seen so far. It appears to me, though, that social uncertainty basically relates to being government by Facebook. It is government by GetUp! If you can whip up a bit of public concern on any issue, create some ‘social uncertainty’, the minister will have unfettered power to shut you down—and not based on any environmental considerations—based on ‘social uncertainty’.

It made me think. It gave me pause for thought. Who in Australia right now is good at whipping up public concern with misinformed, emotional, half-baked campaigns? That would be the Australian Greens. The member for Petrie may laugh, but she knows it to be a fact: the Australian Greens are famous for whipping up public concern on half-baked emotional arguments. This amendment is an enormous folly by this government because it plays straight into the hands of their greatest enemy, the Australian Greens, who are the greatest threat to jobs in regional Australia. If this legislation is passed today, this will not be the end of it. The so-called supertrawler will be the sideshow to the big game as far as the Greens are concerned. This will not be the only project that is affected. This will flow on to the entire Australian commercial fishing fleet. If members opposite doubt me, they can just reflect for a moment on the Australian Greens’ performance when it comes to the forestry industry. We have seen this all before. They are insatiable—they will never be satisfied. What is to stop the Greens from using this legislation to take on other sectors of the fishing industry which do not meet with their approval and their radical agenda? They can go out there now and start complaining about the size of wheat harvesters. Perhaps they will be complaining that mining excavators are too large.

The Greens exist as a party of protest. The Special Minister of State may snigger, but he knows it to be a fact as well. They are a party of protest. That is the only way they can exist. They cannot exist unless they have something to fight. Just like GetUp!, the
entire structure of the Australian Greens is based around running campaigns, calling for donations to run those campaigns, and fighting for something—fighting for anything. They are not a party of responsible government. And the day that this Prime Minister signed a power-sharing agreement with the Greens was a dark day for regional Australia and it was a dark day for the Australian Labor Party, and there are many members opposite who know that. There are many members of the Australian Labor Party who regret that day, who regret that appalling scene where the Prime Minister gave up the prime ministerial courtyard to allow the Greens come in, all beaming smiles as they took charge. There are many members opposite who know that was a huge mistake and a fundamental flaw in the judgement of the current Prime Minister.

The potential impact of this amendment to the act is obvious to anyone who has had any association at all with commercial fishermen. It effectively throws science out the door. It throws the principles of sustainable fisheries management out the door and it virtually throws AFMA out the door as well. It is a vote of no confidence in AFMA by this government.

We have got ourselves into an appalling situation. This nation already has a tightly regulated fishing industry which is one of the most sustainable in the world. I know that to be true because I have heard the minister say it himself. I heard the environment minister, who was previously the minister for fisheries, say that himself. I have heard the current minister say that himself. So we already have a tightly regulated fishing industry—among the most sustainable in the world—but GetUp! does not like one particular allocation of quotas to one particular vessel and the Greens do not like it either; therefore we cave in. Minister, grow a spine.

The Lakes Entrance fishing fleet in my electorate is, in many ways, no different to this so-called supertrawler. Every fisherman in my electorate understands this. They should be worried about the impacts of this amendment to the act. Just as the so-called supertrawler does, they each have what is called a statutory fishing right attached to their boat. They have a quota, as part of the statutory fishing rights, for species in a small pelagic fishery. Then, to generate what is called the total allowable catch, they have a harvest strategy—and the stock being harvested has been assessed by the CSIRO. So we have leading Australian scientists, recognised as some of the best in the world, making assessments. When the data is considered too old—as has occurred at times in the past—they have adopted what is called the 'precautionary principle' and reduced the total allowable catch. That is exactly the same process which has been applied to this application. That is a process the responsible minister has supported and it is a process which applies to all commercial fishing vessels operating in Commonwealth waters around Australia. That is why all those fishermen in my electorate today are deeply alarmed by the direction this government is taking.

Both the current fisheries minister and the previous minister, who is now bringing this flawed amendment to this chamber, have extolled the virtues of that system—of the way our fisheries have been run for the past five years—ever since they have been ministers. Both of them have extolled the virtues of Australian fisheries and how they are being managed in a sustainable manner. They have described it as world's best practice. Both ministers have spoken in support of AFMA on many occasions. We have had a process which has provided a level of certainty, enabling fishermen right around Australia to invest in the industry
with certainty. They have had confidence that decisions affecting the future of their industry would be based on science and that the government was committed to supporting the industry. But, as of yesterday, and as we debate this bill here today, all of that certainty has been thrown away by this government.

This amendment to the act is reflective of a government in total disarray and in panic. This is a government which falls apart under pressure. I fear that this is the live cattle export issue all over again. It would not be so bad if this were just about politics, but this is about people's lives. Already we know, from the proponent of this particular supertrawler, that 50 jobs will be lost as a direct result of this government's decision. I believe the uncertainty created in the rest of the industry will lead to further job losses.

The government has form. The live cattle issue had disastrous impacts on the cattle industry. Members opposite say they care about outcomes for Indigenous Australians and I believe they do. But did they consider, in supporting the government's reckless ban on live cattle exports, the impact that would have on Indigenous stockmen? Many lost their jobs.

If we do not have a government which can provide certainty and be responsible in the face of adversity, the Australian people have no reason whatsoever to have faith in any decision this government makes. If we do not have a sustainable fishing industry based on science, what do we base it on? Do we base it on the number of emails we receive? Do we base it on the number of tweets on Twitter? Do we base it on the number of people who have signed the electronic petitions posted by GetUp?!

A government with any spine whatsoever would go out there and start arguing its case. You could go out there and start arguing the case based on the quota concept. You could argue that the quota has been allocated according to science and that there will be no extra fish caught just because the vessel might be larger. That is a fact. I do not think anyone opposite would argue against that point. So you could make a case based on that argument. Hell, we have done that for the last 20 years or so. That is an approach the government might like to take.

The government might want to mention that we have an independent authority in place called AFMA and that AFMA is using the best available science Australia can provide. It might want to argue the case on that basis. The government might want to argue the case on the basis that AFMA has found this application acceptable on environmental grounds. Instead the government just caves in—too gutless to make a decision and stick with it. The government could have pointed out that Australia has a long and proud history of sustainable fishery management. It might have pointed out that the Australian fishing industry pays millions of dollars in levies every year to fund these independent assessments and scientific evaluations. It could have done that—or it could just cave in to GetUp! and the Greens. Clearly the environment minister has chosen the latter course of action.

It is especially disappointing to me because I represent, based at the port of Lakes Entrance, the largest fishing fleet in Australia. Today I have had the chance to speak to fishing industry representatives and they are worried about this government. They are worried the government has closed the door on science and opened the door to the environmental radicals. They know that the quota was sustainable and very precautionary. They know that many scientists, both within AFMA and independent, have made public comments
supporting the quota. They make the point, quite rightly, that fisheries management must be based on science and not on politics. They also make the point—and this is the kind of point that fishermen would make—that fish do not actually care if they are killed by a large boat or a small boat. The size of the quota does not change according to the size of the boat. It is the quota allocation which matters; it is the science which matters.

In conclusion, I will let AFMA themselves provide the final words. As you would expect, AFMA have put out some media releases during the course of this debate. One from 31 May said:

Quotas are set at sustainable levels using the best available science that takes broader ecosystem impacts into consideration.

Because total catch levels are strictly limited by total allowable catches not quota, the size of the boat does not matter from a sustainability perspective.

... ... ...

As always AFMA will apply strict management, monitoring and compliance powers to ensure any boat operating in the fishery is doing so sustainably.

On Monday, they put out a further statement which said:

As an independent government regulator, AFMA takes advice from Australia's and the world's best scientists to set sustainable catch limits. Total catch limits are less than 10 per cent of the fish stock, which is far more stringent than internationally accepted standards.

... ... ...

This type of fishing, midwater trawling, is one of the most selective which means the bycatch will be very low. AFMA works closely with fishers to minimise bycatch and they will be required to follow several rules to ensure wildlife isn't impacted.

The science shows that localised depletion is unlikely in this fishery but AFMA will be keeping a close eye on this issue given the concerns raised.

It says 'AFMA will be keeping a close eye on this issue' because that is what AFMA does. It is a tightly regulated industry. AFMA will often have observers on our boats. In this case, I understand, there is going to be some video monitoring of the activities.

We had a system in place. People understood it. It provided certainty, it provided confidence, and the fishing industry could invest in the future knowing that the government would stand by it—until yesterday and until this bill came before the House this morning.

In closing, I simply say: the coalition support sustainable fisheries management and sustainable fisheries practices. All fishermen should be concerned that the powers in this bill could be used against any of them and, indeed, that they could easily be extended to further reduce access to any natural resource in the future. This legislation is just another sad example of this government caving in to the Greens. It is just another tool for the Greens and other environmental groups who campaign against our fishing industry and another example of why Australians want an election. They simply do not trust this government to get anything right.

Mr KELVIN THOMSON (Wills) (13:31): Last week, I participated in a debate at the University of Melbourne where the Institute of Public Affairs spokesman attacked the Labor government as being elitist, out of touch with ordinary people, out of touch with their supporters. But today I heard Liberal Senator Abetz on the radio, attacking the bill before the House as 'populist' and a 'knee-jerk reaction' to public opinion. Well, make up your mind, guys. You cannot have it both ways. Either Labor are out of touch with what people want or we
are doing what people want. In this case, it is blindingly obvious that we are indeed doing what the public wants—and what, Senator Abetz, is wrong with that?

What is wrong with doing what fishermen want us to do? What is wrong, Senator Abetz, with us listening to Colin Stephenson of Spreyton, in your home state of Tasmania, who says that stocks of Australian salmon in Bass Strait were overfished by trawlers in the 1960s and took decades to recover? What is wrong, Senator Abetz, with us listening to Burnie fishing store owner Rodney Howard, also in your home state, who said that he and other commercial operators feared for their livelihoods if the supertrawler was permitted to operate, saying, 'There will be a huge decline in game fishing because if bait isn't there, the big fish won't be either'? What is wrong, Senator Abetz, with the government listening to the 350 recreational fishermen who towed 100 boats from Devonport to Burnie in July, or the 200 cars which drove through Hobart or the 150 cars with boats attached which travelled by convoy through Launceston on the same day? Senator Abetz might not be interested in listening to the views of his Tasmanian constituents, but we are. And what is wrong with listening to the recreational anglers of Warraambool in western Victoria, or the Warrnambool city councillors, who said there was potential for the supertrawler to take most of the food supply for fish targeted by recreational anglers in western Victoria?

In the same vein, I was intrigued to hear some of the media questioning of the government ministers yesterday along the lines of, 'Aren't you caving in to public pressure?' Are the questioners suggesting that there is something noble and honourable about thumbing your nose at public opinion? They imply and suggest that we should overlook or ignore public opinion, yet they are the first to accuse us of being out of touch and to foster cynicism about the political process and its failure to deliver what people want from it. That is fundamentally undemocratic and elitist. Frankly, governments should make a habit of caving in to public opinion. They would get elected and re-elected more often if they did.

To listen to those opposite spitting the dummy over this bill, the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012, is very revealing. They cannot bear the idea of a win for people power. For them, it is a revolutionary threat to business's cosy, predictable domination of political discourse. For them it is unbearable, quite intolerable.

I want to quote at some length Tim Winton's speech to MPs here in Canberra back on 9 May, because, try as I might, I cannot improve on his words:

Think of your happiest moments, your most vivid memories. A holiday. Summer. It's always summer, isn't it?

In mine I'm always standing on a beach, beside an estuary, on a jetty. Holding a fishing rod. Or a net, a mask and snorkel. Hunting and gathering is in my blood. As a boy I loved the freedom, the direct engagement with the physical world, the feeling of competence. Now, I didn't know it at the time but I'd inherited two great treasures: a cultural tradition and the living ocean that sustains it.

Australians are islanders. Coastal people. Almost all of us live on the edge of the world's biggest island. On the veranda of the continent. ... This is what we tap into when we go on holiday now. ... That yearning is deeply embedded. We still want to engage with our physical surroundings. And the thing is we can. In the developed world that's rare.
During my own lifetime the world's oceans have suffered a terrible decline. I've read about it. And I've seen it up close and ugly. When I lived in Greece I saw the results of oil spills, dynamite fishing, lax regulation. I've surfed in raw sewage in Indonesia and putrid medical waste in Brazil. And I've wondered: am I swimming in the future? Will my grandkids inherit a sea of ... plastic? The global trends aren't great. Collapsing fisheries, dying corals, gyres of plastic the size of entire countries, catastrophic oil spills that ruin the livelihoods of hundreds of thousands of fishing families and poison the food chain for decades. 

He went on to say:

We all know we're pushing the ocean too hard. And the pressure to relegate marine protection—to defer it—that pressure is intense. And the balance is not in the ocean's favour. Taking a loss has become business as usual. …

We have to stop spending beyond our means. Robbing Peter to pay Paul. Otherwise we'll be the generation—the richest, most mobile and well-educated generation in Australia's history—that passes on a bad inheritance, and leaves the estate in arrears. Bequeathing a loss to a family, a community, a nation, that's a despicable thing to do. 'Kids, all this ... plastic is yours. Don't spend it all at once.'

It is being claimed that this bill represents a repudiation of the science and a repudiation of the Australian Fisheries Management Authority, the experts. I want to draw the attention of the House to a letter from Professor Jessica Meeuwig, Conservation Fellow of the Zoological Society of London and Director of the Centre for Marine Futures, Oceans Institute, University of Western Australia, in which she makes the following points:

Increasing the total allowable catch to 18,000 tonnes represents an unsupported 10-fold increase over previous landings. This is a significant increase from one year to the next. The calculation of this new quota assumes that the estimates of biomass are reliable. It is notable that the estimates are generally based on old information (blue mackerel in the East 2004), inferred from other species (jack mackerel—East) or actually entirely absent (jack mackerel—West, Peruvian jack mackerel, redbait—West). It is ... likely that biomass estimates ... are much more uncertain than is currently reported ... such assessments do not allow us to infer that the populations will remain sustainably fished with a sudden 10-fold increase in landings as would be allowed under the new quotas.

To address concerns around localized depletion and hyperdepletion that may occur when super trawlers are active, we need to understand population structure (how do young fish recruit across the region?) and adult movements (will adults replenish depleted areas?). Yet again, our information is uncertain. Of the four species considered for exploitation, the population structure of blue mackerel is uncertain, whilst jack mackerel and redbait are believed to have eastern and western subpopulations. In addition no dedicated studies have been conducted on redbait, and no stock structure information is available for Peruvian jack mackerel, a species that is often assumed to behave like its cousin, the jack mackerel, despite having very different life history characteristics.

Nothing is known about adult movements in any of these species except that larger jack mackerel are found in deeper waters. In the event of localized depletions by the super trawler, we therefore have no evidence that these regions will be replenished by either mobile adults or recruits—

Many forage fish have been or are being overexploited; their rapid growth rates and high reproductive output are not sufficient to protect them against the sustained rates of harvest of super trawlers ... the species available to the super trawler (blue mackerel, jack mackerel, Peruvian jack mackerel and redbait) are larger, live longer, and feed higher up the food chain than do species typically classed as forage fish ... the species potentially allocated to the super trawler show great similarity with cool water, reef-associated species already recognized as vulnerable to overexploitation ... in Western Australia.

Bycatch is a concern. In a study fur seals, interacted— which is a polite word for 'killed'—
with over 50% of all mid-water trawl shots ... most fishing activity occurred on the shelf ... within the animals diving range... It is unclear... how fur seals would respond to a much larger net in terms of their ability to maintain orientation and exit the net, particularly given its substantially larger size.

We have a set of species that we know little about that are relatively vulnerable to overfishing based on their life history... We do know from global experience that super trawlers are incredibly efficient and can cause local depletions, from which these species may not recover quickly. We also know that super trawlers have been problematic globally in terms of their sustainability. Opening Australian waters to a super trawler at a time when our knowledge base for this species is uncertain is risky and inconsistent with the precautionary principle.

This proposal for a super trawler is clearly an example where significant uncertainty exists in biological knowledge, both in terms of the species themselves and their unfished biomass.

She says she had the privilege of introducing the documentary *The End of the Line* for a showing at Parliament's theatre in 2011. At the time, she was asked: 'How is this relevant to Australia? We don't have this kind of highly industrialized super trawling here.' She concludes by saying:

At a time when Australia is leading the world in marine conservation by establishing a legacy network of reserves, it seems incredibly counterproductive and short sighted to introduce more unnecessary opportunities for the overexploitation of our oceans.

There have been claims made that banning the supertrawler will lead to job losses. However, I have been advised by the Australian Maritime Officers Union, Jan Thompson—no relation—that the supertrawler is crewed by about 50 Croatian nationals. Sea Fish has shown no interest in a collective agreement with the union, save for last week saying it wanted a master and chief engineer for approximately one month. Sea Fish has said the workers on the vessel are technically subcontractors who do not work for wages but for a percentage of the catch. This raises questions about the applicable ‘market salary rate’ in the event that such workers were to apply for 457 visas, not that there is any sign that they have. If the Liberal Party genuinely want to help these Croatian workers, they should start advocating that, while the vessel works in international waters, the workers should be paid the minimum rates as per the International Transport Workers' Federation agreement.

I want to pay tribute to some of my colleagues who have spoken previously in this debate. I was first contacted about this issue by the member for Corangamite, Darren Cheeseman, who explained to me the supertrawler proposal and the level of opposition to it coming from both environmental groups and fishermen. I was subsequently contacted by environmental groups about the issue, and wrote to Minister Ludwig about it in July. At the invitation of Julianne Bell of Protectors of Public Lands, I attended a protest rally at St Kilda Beach on what was described as Stop the Super Trawler National Day of Action, on 11 August.

I also want to pay tribute to the member for Fremantle, Melissa Parke, who prepared a private member's bill to stop the supertrawler, which has been a wonderful catalyst for government action. In their five years here both Darren and Melissa have proved to be courageous and articulate advocates for the environment and animal welfare—quite outstanding. I should also acknowledge the other government speakers—the member for Hindmarsh, Steve Georganas, the member for Makin, Tony Zappia, and the member for Shortland, Jill Hall. I want their constituents and people right around Australia with a concern for the environment or animal welfare to know that they have committed and courageous
representatives who stand up on these issues, both when it is fashionable and when it is not.

When you stand up and advocate the cause of other living things like seals, dolphins or sea birds, these other living things are blissfully ignorant that you are doing it, so the political reward for your actions is often unclear and the political cost is often very clear. But, in acknowledging the work both of the Minister for Sustainability, Environment, Water, Population and Communities and of the member for Fremantle, the member for Corangamite, the member for Hindmarsh, the member for Makin and the member for Shortland, these colleagues who have helped bring about this bill, I want to return to some words from Tim Winton:

When your grandkids ask you what you did as a member of parliament some of them, I'll admit, will be entranced by your stories of tax reform. Stands to reason. They'll love the story about that parliamentary committee. But think of the day when you help your granddaughter reel in her first flathead, the day you take your nephew to the aquarium, the morning you take your grandkids snorkelling in a marine sanctuary and their eyes are out on sticks. There's always that quiet moment you get on the way home. After they've seen that turtle, those dolphins, the rockpool full of life. That'll be when you let it slip. Offhand. You know, real casual, about what you did when you were in parliament. You helped save Australia's oceans.

With marine parks and with this bill, these members have helped save Australia's oceans, and whatever else they do in their parliamentary careers, their children and grandchildren will be very much indebted to them and Australia will be a better place for their contribution to it.

The DEPUTY SPEAKER (Hon. BC Scott): Order! The debate is interrupted in accordance with standing order 43. The debate may be resumed at a later hour.
including our 161 athletes—across 13 sports. In the final tally, Australia finished fifth, with 85 medals. This is a spectacular result, and our community is especially proud to have four champion Paralympians in our region.

There is Joann Formosa from Broadford who, on her horse BP Worldwide, won gold in the grade 1B equestrian dressage competition. Joann is a member of Hidden Valley riding club near my home town of Broadford and volunteers with Riding for the Disabled. It is a fantastic accomplishment for Joann to win the gold; her determination rewarded her with this gold medal.

There is Natalie Smith, who won a bronze model in the SH1 10-metre air rifle event. Nat has been competing for just two years and had already won a gold medal at the 2011 IPC World Cup held in Sydney. Before Natalie went to London I presented her with an Australian flag, and she flew it proudly in the athletes village. Her story is an absolute inspiration.

There is Jake Lappin from Kilmore, who turned 20 just yesterday and who competed in the 400-metre and 800-metre wheelchair-racing events with a strong performance. In the lead-up to the Olympics, Jake trained twice a day, six days a week, including with weights and professional training.

Then there is Ahmed Kelly, who competed with great determination in the 50-metre breaststroke, just missing out on a bronze medal. He grew up on a farm near Kilmore with his adoptive mother, Moira Kelly, and siblings. Now that Ahmed has had a taste, I am sure that his determination will see him go even better in the next Paralympics. (Time expired)

Clark, Mr Cecil Alexander Matthew Gouchee, Mrs Susan

Mr VAN MANEN (Forde) (13:48): I would like to take this opportunity to speak in celebration of the life of Cec Clark, a local community leader who, sadly, passed away in August at the age of 87. Cec was an avid campaigner for the local community, having helped save the Beenleigh showgrounds from a proposed rail line. He founded the Beenleigh branch of the Red Cross, which he was involved with for some 23 years. He was on the committee which started the Meals on Wheels service in Beenleigh, which has been delivering meals for over 25 years. He was an avid fundraiser, raising valuable funds for the Leukaemia Foundation of Queensland. He was also involved in the founding of Olivers Sports Complex. Cec will most certainly be remembered as a great contributor to our local community, and he will be dearly missed.

Also last month we mourned the death of the much loved Director of Performance Music at Canterbury College, Mrs Susan Gouchee, who, at the age of 49, lost her battle with cancer. She was best known for her outstanding work in music education and was the driving force behind the award-winning Cantabile Choir. Even as late as June this year, she accompanied the Cantabile members to Cincinnati, Ohio, where they competed in the 7th World Choir Games and came second. Susan is a great loss to the Canterbury College community and to her family and friends.

May we remember both these wonderful members of our community very fondly. (Time expired)

La Trobe Electorate: Chisholm TAFE

Ms SMYTH (La Trobe) (13:49): I am standing today to speak once again about the very unfortunate situation of the Victorian
government's TAFE cuts. In the last 24 hours we have heard that a further 220 jobs are going to be lost in south-eastern Melbourne. Chisholm TAFE, which has a campus in my electorate of La Trobe, has announced that 220 jobs will be shed between now and the end of the year as a direct result of and precipitated by the Victorian government's decision to pull $300 million out of the TAFE sector in Victoria. That is in addition to the variety of other attacks it has made on Victorian education at both the primary and secondary levels.

These are very direct impacts on the part of the world that I and so many members on this side represent; indeed, it is also a part of the world that many members on the opposition benches represent. I call on them to speak out about the particularly dire effects on staff, on students and on the community of south-eastern Melbourne that have resulted from these cuts. They come on top of a further 240 job cuts that were delivered at Swinburne's various institutions as a result of the $300 million being taken out of TAFE education. These are extraordinary figures.

The Victorian TAFE Association has estimated that around 2,000 jobs, in all, will be lost. In fact, based on these two institutions alone announcing 460 jobs being lost, it looks like that is going to go up. (Time expired)

Irrigation Research and Development
Mr McCORMACK (Riverina) (13:51): Australia's funding and policy commitments to irrigation research and development are at a 20-year low. This disturbing news was relayed to me today by Dr Guy Roth of Narrabri, who is program coordinator of the National Program for Sustainable Irrigation. He is worried about the government's position on irrigation. His fears are, unfortunately, well founded. Irrigation in the Murray-Darling Basin has an economic multiplier of 3.5, meaning that for every $1,000 of farm-gate revenue generated there is an additional 3½ thousand dollars of dependent economic activity.

Dr Roth is in Parliament House today with farmers Rob Houghton of Leeton and Andrew Parkes of Moree visiting MPs to present a case for increased irrigation research and development funding. They come in a week during which the government is proposing to rush through amendments to the Water Act. The suggested amendments seek to grant the Murray-Darling Basin Authority far more powers. The government wants to implement a new section 23A, enabling the MDBA to propose adjustments to sustainable diversion limits. Further, the changes would give the MDBA absolute power over the minister, who would have no capacity to reject the amendment or direct that it be altered, and the parliament would also be precluded.

The bill specifically requires any adjustment to consider an environmentally sustainable level of take that does not require specific thought to be given to social and economic impacts. Therein lies the heart of the matter. Many regional communities will be affected—and no areas will be affected worse than the Riverina and Farrer—if a water plan without a triple bottom line approach is put in place. They are at the mercy of this government and the water plan it will bring before this parliament. (Time expired)

Heathmont East Primary School
Mr SYMON (Deakin) (13:53): It was my great pleasure on 25 August to attend the 50th anniversary celebration reunion of the Heathmont East Primary School, a local primary school in my electorate like so many others built around about the same time. It was great to see all the mementos pinned up
on the wall of how things had been at the school, especially when the celebration was held in their new BER building to show how things are now. Especially good to see was the number of past teachers, principals and students who turned up for the celebration. It was a big day. In fact, there was no room left inside the hall for people to sit. Many of us had to stand, especially people who, like me, turned up slightly late. We heard from the HEPS choir, violinists and rock band. We also heard from the current principal, Ms Kitty Allard, who is a great asset to the school and is one of the reasons the school is a school of choice throughout that part of the eastern suburbs of Melbourne.

The 50th anniversary celebrations continue for the whole year, so those people who did not make it on the day might like to go along to the HEPS fete on 17 November. The school is aiming to raise $18,000, which will be used to purchase a class set of Apple iPads as well as to upgrade the school's computer technology so that kids in the future, leading into the next 50 years, also benefit from upgrades to their school.

**Stroke**

Mr WYATT (Hasluck) (13:54): I rise to speak about strokes. This morning at a breakfast the Parliamentary Heart Foundation and Stroke Foundation Friendship Group heard the story of a young woman who had experienced a stroke and been told that she could not walk again, that she would be paralysed on her left side for the rest of her life. But her determination was superb in that she went through rehabilitation and recovered. Her vision always was her two children. Those two children were the drivers for her determination to again be the mother who could support and nurture them and give them the environment they needed for growing up.

Australians often overlook the prevalence of stroke within Australian society. It is within the top five significant causes of death. The other thing that surprises many people is that young children also experience strokes. That leaves the carer of the child trying to grapple with the fact that strokes are often seen as being applicable to those over 50 or the elderly. But in children strokes have a different impact altogether.

I would encourage all members of this House to look at the Stroke Foundation website and to connect with their electorates and get information out so that people become much more aware of the impact of strokes on individuals.

**Queensland Rural Fire Service**

Mr NEUMANN (Blair) (13:56): During the 2011 floods in South-East Queensland and the cyclones in Far North Queensland, the men and women of the Rural Fire Service assisted people, saved lives and saved property. Then on 11 September—of all days—the Campbell Newman LNP state government virtually destroyed the Rural Fire Service in regional and rural Queensland. There has been a 57 per cent reduction in uniformed positions in rural operations. The following centres are being closed, and not a word have I heard from the LNP members opposite from Queensland: Roma district office, Barcaldine-Emerald district office, Innisfail district office, Maryborough district office, Charters Towers-Cloncurry district office, Cairns regional office, Maryborough regional office, Toowoomba regional office and Brisbane regional office. They are all being destroyed, closed.

Jack Dempsey, the Minister for Police and Community Safety; Jeff Seeney, the Deputy Premier; and Campbell Newman, the Premier, promised that they would support the Rural Fire Service. Rural fire brigade
volunteers are the backbone of a resilient community, but those opposite have betrayed them. There has not been a word in support of the rural fire brigades from those opposite. Stand up for them and stand up against Campbell Newman and the LNP state government in Queensland that is destroying regional and rural Queensland. That is what you should be doing. It is a shame and a disgrace that you are silent over there. (Time expired)

Foreign Investment

Mr OAKESHOTT (Lyne) (13:57): There has been a lot of talk over the last couple of weeks about foreign investment in Australian resource management. I particularly mention Cubbie Station and a supertrawler. I also raise today concerns over announcements from some members in this chamber about a particular company participating in the National Broadband Network build. Advice has been given by the Defence Signals Directorate and ASIO not to have this company involved in the National Broadband Network build, and I would hope we as parliamentarians respect that advice and are consistent in respecting that advice. I have been very surprised that some members who follow this issue closely are now talking about potentially including this company in the build itself and going against that advice of the Defence Signals Directorate.

In light of the many issues about foreign investment in this space, I put on the record that we either trust and invest in the advice that we are given by experts in the field or we do not. I certainly do and will act accordingly where there is no evidence to suggest or dispute that that advice is wrong. Those that do not certainly need to explain in detail why they risk our national interest through a capitulation to what the Economist calls a 'charm offensive' and explain why on earth they have changed their view on this matter. (Time expired)

Greater Western Sydney Giants

Ms ROWLAND (Greenway) (13:59): As we focus on the AFL finals season, I want to say congratulations to the Greater Western Sydney Giants on their first year. The Giants had two victories this year over Gold Coast Suns and Port Adelaide and a couple of close ones in between. I want to particularly congratulate GWS Giants coach, Kevin Sheedy, on being the first person ever to reach a combined 1,000 games as a coach and player in the AFL-VFL competitions. Kevin Sheedy has brought AFL to Western Sydney, a traditional rugby league and football heartland, with unprecedented passion and enthusiasm. I want to congratulate Kevin Sheedy and the Giants for their efforts on and off the field and specifically mention the Gentle Giants program, which will deliver 500 hours of hospital and aged-care visits across the Western Sydney region. With the number of very talented young players in their ranks, I am sure the GWS Giants will be a force in the AFL competition in future. I am sure the local Western Sydney community will continue to gravitate towards the new club. Congratulations, Sheeds!

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

STATEMENT BY THE SPEAKER

Supplementary Questions

The DEPUTY SPEAKER (Ms AE Burke) (14:00): Mr Speaker has asked me to thank the honourable member for Lyne for his question yesterday in relation to supplementary questions for the crossbench and has provided me with the following statement to read in reply:
While pursuant to Standing Order 101(b) the Speaker, or other occupant of the chair, has unfettered discretion with respect to supplementary questions, in an endeavour to make Question Time more spontaneous, on 7 and 8 February 2012 I outlined what would be my general approach to supplementary questions on a trial basis.

The effect of this approach means that usually:

(a) One supplementary question can be asked by the Leader of the Opposition or his or her delegate specifically, and up to one additional supplementary question can be asked by any opposition member, including the Leader of the Opposition, each day;

(b) Up to two supplementary questions can be asked by government private members each day;

(c) One supplementary question can be asked, each week by a non-aligned member.

This general approach does not override Standing Order 101(b) which gives the occupant of the chair unfettered discretion with respect to supplementary questions. In fact, I allowed two crossbench supplementary questions on 27 February 2012 and 1 March 2012 during the same sitting week, but this was not intended to be a regular practice.

As I considered the ability to ask supplementary questions had introduced a welcome dynamic into Question Time in a statement on 22 March 2012, I advised I was considering expanding the number of supplementary questions and also allowing one side to ask supplementary questions to an original question asked by the other side.

I have not yet had the opportunity to implement these further innovations but plan to consider them upon my return to the chair.

I trust this clarifies the matter raised by the Honourable Member for Lyne.

MINISTERIAL ARRANGEMENTS

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:02): I inform the House that the Minister for Climate Change, Energy Efficiency, Industry and Innovation will be absent from question time today and tomorrow for personal reasons. The Minister for Infrastructure and Transport will answer questions in relation to climate change and energy efficiency; the Minister for Housing, Homelessness and Small Business will answer questions relating to industry and innovation; and the Minister for School Education, Early Childhood and Youth will represent the Minister for Tertiary Education, Skills, Science and Research.

QUESTIONS WITHOUT NOTICE

Asylum Seekers

Mr ABBOTT (Warringah—Leader of the Opposition) (14:03): My question is to the Acting Prime Minister. I remind him that, when the Howard government advised it would send asylum seekers to Nauru, the number of illegal arrivals dropped by two-thirds in a month. Yet, since this government's backflip on offshore processing, there has been a record 2,219 arrivals. When will the government—

Mr Albanese: Madam Deputy Speaker, on a point of order: the Leader of the Opposition is misleading the House with the term he is using and he should not be allowed to do so.

The DEPUTY SPEAKER (Ms AE Burke): The Leader of the House will resume his seat. The Leader of the Opposition will begin his answer again.

Mr ABBOTT: I remind the Acting Prime Minister that, when the Howard government announced it would send asylum seekers to Nauru, the number of illegal arrivals dropped by two-thirds in a month. Yet, since this government's backflip on offshore processing, there has been a record 2,219 arrivals. When will this government face the truth that it must reintroduce temporary protection visas and turn boats
around when it is safe to do so if the people smugglers are to be defeated?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:04): I thank the Leader of the Opposition for his question. He continues to be at war with the facts. He is all about aggression and not about outcomes. He is all about exaggeration and not about responding to this issue in a responsible way. He will not respond to this in a responsible way. He comes in here and claims that towbacks and temporary protection visas can somehow work when these have been rejected comprehensively by the Houston report. We get this continued hypocrisy. They talk about the refugee convention and then they talk about towing people back to Indonesia, which is not a signatory to the refugee convention. They choose to ignore the danger to our naval personnel, who should not be towing people back to Indonesia because it is a danger to their lives.

Essentially what we have seen here today from the Leader of the Opposition is more questions. But I will tell you this: he most certainly does not like answering questions since he was towelled up by Leigh Sales and Lisa Wilkinson. For two years we have seen the Leader of the Opposition out there every day—out at a factory, out at a shop—

Mr Pyne: Madam Deputy Speaker, on a point of order: none of this could possibly be relevant to the question he was asked, which was about the failure of the government's offshore processing.

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. The Acting Prime Minister will return to the question before the chair.

Mr SWAN: I certainly will. Every day for the last two years the Leader of the Opposition has been out there in one form or another conducting his horror show—every day he has been out there doing a doorstop.

But we have not seen one for the past week because he has had a week-long 'Mark Riley moment'. He slammed the door shut on his press conferences. Why is that? It is because he does not want to answer questions factually.

Honourable members interjecting—

The DEPUTY SPEAKER: Order! If people would like to hear the answer then perhaps they might give the courtesy of not screaming during people's answers.

Mr Pyne: Madam Deputy Speaker, on a point of order: how is the opposition expected to sit silently while the Treasurer makes up complete lies—

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

Mr Pyne: I withdraw, Madam Deputy Speaker, but I make a serious point.

The DEPUTY SPEAKER: As I have noted numerous times before, provocation is not a justification for ignoring the standing orders. The standing orders require people to be silent when people are on their feet.

Mr Pyne interjecting—

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. We are not going to entertain this during question time.

Mr Pyne interjecting—

The DEPUTY SPEAKER: No, the Manager of Opposition Business will resume his seat. The Manager of Opposition Business knows that every other Speaker before has not allowed question time to be used in this manner.

Mr Pyne: Madam Deputy Speaker, under standing order 98 I am entitled to take a point of order. Let me say this: I hear what you say about provocation not being an
excuse, but when has the Deputy Prime Minister been called up for not answering the question?

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

Environment

Ms JULIE BISHOP (Curtin—Deputy Leader of the Opposition) (14:09): My question is to the Acting Prime Minister. I remind the Acting Prime Minister that the government backflipped on the carbon tax floor price and Contract for Closure, backflipped on offshore processing, backflipped on live cattle exports, installed and then removed roof bats at a cost of $2.4 billion and, most recently, first encouraged and now wants to ban the Abel Tasman supertrawler. What confidence can Australians have in a government that simply makes it up as it goes along?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:09): What drives this government, whether it is the pricing of carbon or the declaration of marine parks, is the national interest. That is what drives this government. That is what drove us to respond to the global recession and put in place a stimulus which saved jobs and supported small business in our economy. What drives us when it comes to carbon pricing is our future economic prosperity and the desire to generate power in this country from renewable energy. What drives us when it comes to the supertrawler is making sure that all Australians can have faith that fishing practices are ones which encourage sustainability. I know that all Australians have been concerned about this issue, which is why the government has responded in the way in which we have responded. That is, we have introduced to this House legislation that ensures that the science will drive the decisions, so that our fishing industry is sustainable for the future. That is what we have done. That is what the minister for the environment has done in this House this morning. I am absolutely stunned that those opposite could vote against this very important measure. It shows just how cavalier they are and their disdain for the environment and for sustainability. As someone who comes from the great state of Queensland and as someone who grew up on the coast, I understand how important it is to preserve our fisheries.

Ms Julie Bishop interjecting—

The DEPUTY SPEAKER (Ms AE Burke): The Deputy Leader of the Opposition is warned.

Mr SWAN: I understand how important it is that our sons and daughters and grandchildren can have the opportunity to throw a line in and catch a fish. I understand the importance of that—

Mr Laming interjecting—

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

The member for Bowman then left the chamber.

Mr SWAN: but nobody on the other side of this House gets that equation, because they do not believe in protecting the environment. They do not believe in all of the essential protections that we on this side of the House are absolutely committed to. We have put to the House a proposal which is responsible. We have put to this House a proposal which will protect our fish stocks. We have put to this House a proposal which is in the interests of our environment. I would have thought that we would get universal support for it. The fact that those opposite are opposing it shows just how negative they are and the lengths they will go to to trash our environment.
Fiscal Policy

Mr STEPHEN JONES (Throsby) (14:12): My question is to the Acting Prime Minister. Will the Acting Prime Minister outline the importance of a measured approach to fiscal policy? What are the risks to our economy of reckless cuts to front-line services like education and health?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:12): I thank the member for Throsby for his question, because the Australian economy is a clear stand out in the developed world. We supported growth during the worst global recession in over 80 years. We avoided recession and we avoided the destruction of jobs that occurred right across the developed economies. Of course, if those opposite had had their way at that time Australia would have gone into recession and we would have seen small businesses hit the wall and a substantial increase in unemployment.

Through all this period, as we have supported the economy we have put in place a responsible fiscal policy. We put in a set of fiscal rules to bring our budget back to surplus that are light years ahead of major advanced economies. In those rules we have of course been able to find room for Labor priorities: doubling investment in education and delivering a historic boost to the pension and fundamental reform to our hospital system. All of these responsible initiatives are part of Labor values. But what we are seeing on the other side of the parliament are Liberal values—indiscriminately wielding the axe, particularly in health and education. In Queensland there has been the loss of 14,000 jobs of key workers, in health in particular. All of those cuts have the cold-hearted stamp of approval of the Leader of the Opposition. Just yesterday we saw cuts to education in New South Wales—$1.7 billion was ripped out of education.

In both New South Wales and Queensland every parent and every pupil fears the reckless approach to these vital areas of public policy that comes from the Liberal Party. We know when the Liberals swing the axe who gets the chop. We know that it is nurses, hospital workers, and working men and women. And the people who need those government services are the people who feel the chop. What is going on in New South Wales and Queensland now is just the warm-up act for the Leader of the Opposition, who has given his seal of approval to the cuts in both New South Wales and Queensland.

In Queensland what we are seeing is a very cruel and destructive budget. It is a budget that speaks volumes about Campbell Newman, Tony Abbott and the entire Liberal Party. We on this side of the House will always stand up for responsible fiscal policy, and of course that is standing up for working Australians. Those on the other side of the House want to cut them down.

Australian Public Service

Mr PYNE (Sturt—Manager of Opposition Business) (14:15): My question is to the Acting Prime Minister and it follows his previous answer. Will the Acting Prime Minister confirm that his government has cut 750 staff from Customs, 97 staff from the Australian Federal Police and 144 staff from the Australian Crime Commission? Can he confirm that these cuts were made not by a government that inherited a budget deficit
and crushing debt but by a government that inherited a $22 billion surplus and no net debt?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:16): We now know why the shadow Treasurer did not ask this question. It is because the shadow Treasurer has been going around the country saying that there are 20,000 too many public servants in Australia and he is going to take the axe to those public servants. So he has not had the guts to front up and ask the question. He has had to throw it to the Manager of Opposition Business. But we on this side of the House, as I said before, are committed to responsible fiscal policy and to making the savings to put in place the priorities that we have, particularly in health and education.

We have found savings over five budgets—$100 billion during our first four and $33 billion during our last savings exercise. We have found efficiencies in the public sector. The one thing we have not been doing is taking a big axe to jobs like those over there—

Mr Simpkins interjecting—

The DEPUTY SPEAKER (Ms AE Burke): The member for Cowan will leave the chamber under 94(a). His constant yelling across the chamber will not be tolerated.

The member for Cowan then left the chamber.

Mr Pyne: Madam Deputy Speaker, I rise on a point of order on the matter of direct relevance. Members on this side of the House are being ejected from the chamber for quite rightly asking the Treasurer to simply answer the question.

The DEPUTY SPEAKER: People are being asked to leave the chamber because they are not following the standing orders.

The Acting Prime Minister has the call and will refer to the question before the chair.

Mr SWAN: We on this side of the House have a methodical approach to finding savings in the public sector. We have been doing that in a responsible way over the time that we have been in government. That is why we have put in place those essential Labor priorities. The biggest increase in the pension in history was put in place because we found room in the budget. The tripling of the tax-free threshold was put in place because we are committed to putting in place policies which reward hard work and make sure that people have access to the essential services that they need, in particular in health and education.

I am asked about the Public Service and I am asked about figures. The Public Service has had an annual growth of just 0.8 per cent over the five years since we came to office ending in 2012-13. That has been the growth in the public sector in the period that we have been in office. It stands in stark contrast to the proposals from those over there not only to cut 20,000 from the public sector; we have not yet got to their hidden agenda, the one they are not going to tell people about until after the next election if they win, which is how they will get to filling the $70 billion crater they have in their budget bottom line—the Campbell Newman approach.

The DEPUTY SPEAKER: Order! The Acting Prime Minister will return to the question.

Mr SWAN: Everybody here is aware they will not have their policies costed at the Parliamentary Budget Office. On this side of the House we have been entirely transparent. We are proud of what we have done with the public sector. We recognise the very good work it does. We recognise the importance of front-line services, unlike those opposite,
who want to have a scorched earth approach to the public sector and the services in health and education on which so many Australians depend.

**Education Funding**

Mr HUSIC (Chifley—Government Whip) (14:19): My question is to the Minister for School Education, Early Childhood and Youth. Public, Catholic and independent schools in the Chifley electorate are deeply concerned about the New South Wales government's education funding cuts. Minister, are you able to explain what these cuts mean for my schools and for our schooling systems across the state, and how is the government addressing this?

Mr Pyne: Madam Deputy Speaker, I rise on a point of order. Ministers can certainly be asked questions about their portfolio responsibilities, but the question he has been asked about, to do with the New South Wales government, bears no responsibility to the minister's portfolio and therefore the question is most certainly out of order, I respectfully put to you.

The DEPUTY SPEAKER (Ms AE Burke): The question was in order. The minister has the call.

Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (14:20): I thank the member the Chifley for his question. The fact is that Labor has consistently invested in schools around Australia. That is what Labor does. We have consistently done it in New South Wales—half a billion dollars for the low socioeconomic schools national partnership and $100 million on literacy and numeracy and on teacher quality. I could go on. Federally, we have almost doubled what the Howard government spent on education.

We know we have to do more to lift our education performance, focusing on teacher quality, looking at giving more power to principals in schools and giving schools the support they need to lift their results. That is why the Prime Minister has been clear that if there is agreement to a national plan for school improvement then we would be willing to invest more. In fact, we saw OECD head Andreas Schleicher endorse our approach just today on that. On this side of the chamber we know that Labor in government will always invest in schools. It is what we do. It reflects a profound view that we need to do the best we as a nation can on education so that every child has a chance, so that as a country we continue to grow and so that as a country we continue to be prosperous.

But when Liberal governments come to power they put schools and teachers straight up onto the chopping block. I can understand why schools across New South Wales, including in the member for Chifley's electorate and my electorate, are worried about these proposed cuts to education.

Before an election the coalition will say things that they want to say and they think people want to hear, and let me tell you what they are: that 'teachers will be the best paid in the country', that 'we will invest in schools', that 'fees will not rise'. But after the election it is a different story. When the Liberal Party and the Liberal government in New South Wales wanted to make a saving it was education that was bowled up first—$1.7 billion worth.

Opposition members interjecting—

Mr GARRETT: Against the hubbub, I am asked the question: what does this mean? Well, I will tell you what it means: cuts that will push up fees in non-government schools in New South Wales, cuts that will reduce support to government schools in New South Wales, cuts that will slash jobs for TAFE teachers and increase fees for students. It is worthwhile reflecting for those opposite that
the biggest cuts we have seen to education in New South Wales were when the last Liberal government was in power and Terry Metherell united the entire education community and the state against him. I wonder if the member for North Sydney remembers that.

The fact is that we will always invest in education on this side of the House. This is absolutely core to what Labor governments do. But we now know, from what we see in New South Wales and from what the Leader of the Opposition has promised by way of $2.8 billion of cuts in education, that that would happen here too if they were ever to come to power. *(Time expired)*

**Mr HUSIC** (Chifley—Government Whip) (14:23): Madam Deputy Speaker, I ask a supplementary question. How is the federal government planning to keep investing in schools in the Chifley electorate and across the country?

**Mr GARRETT** (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (14:24): I thank the member for that supplementary question, because it allows me to point out that in Chifley the support that the Gillard Labor government has provided to schools in the member's electorate is significant: $137 million in 163 projects, benefiting 66 schools. That is BER funding. We have three trades training centres—trades training centres, incidentally, that are on the chopping block with the cuts that the Leader of the Opposition wants to bring forward. We have $14.7 million invested there, and 8,600 computers are being delivered to kids in the member's electorate as a consequence of the investment commitment to education that this government has.

I can understand why the member asks this question, because that is a proud record compared to what those opposite have on offer. In recent weeks we have seen some insights into the value that the opposition places on education: the member for Sturt saying that they would sack one in seven teachers, the Leader of the Opposition saying it would be an injustice if funding for public schools were to continue, and this morning on radio the shadow Treasurer refusing to rule out similar cuts to those underway in New South Wales, Queensland and Victoria. He absolutely refused to—three times, in fact.

**Mr Pyne:** Madam Deputy Speaker, on a point of order. I simply ask how it can be directly relevant for the minister to be making things up that I have never said.

**The DEPUTY SPEAKER:** The minister will conclude his answer.

**Mr GARRETT:** When the shadow Treasurer was asked the question about waste he referred to education investment. I say no more. *(Time expired)*

### Dental Health

**Mr HOCKEY** (North Sydney) (14:26): My question is to the Acting Prime Minister. Does the Acting Prime Minister agree with the health minister's statement that the newly proposed dental health scheme is an additional $4 billion expense for the budget, which must be funded by new savings, or does he agree with the Prime Minister's statement that the dental health scheme is a budget savings measure? Or is the government just making it up as it goes along?

**Mr SWAN** (Lilley—Deputy Prime Minister and Treasurer) (14:26): The fact is that the shadow Treasurer, in his usual sloppy way, is in fact making it up himself. So let's just go very clearly through this. The health minister has developed an excellent scheme to improve dental services in Australia. Everyone on this side of the House is absolutely proud of what we have done in
this area. Of course, what we have done at the same time is to remove and close down a scheme put in place by the current Leader of the Opposition which was blowing out in terms of its cost. It was blowing out and a very, very big drain on the budget over a long period of time. It is one of the great atrocities that has been committed on the budget by this current Leader of the Opposition. And because it was not delivering value for money we said that we would abolish it, and he has been holding up its abolition in this House for years and years and years.

But, yes, it is already counted in our forward estimates because we have announced our intention to abolish it, and that is factored into our budget. So, yes, we do have to find additional savings to fund the scheme. So both are correct. The only misrepresentation here is from the shadow Treasurer over there, who is seeking in his usual way to twist the facts.

This is the reason, of course, that he will not take that walk around to the Parliamentary Budget Office, which is not as far as Aussie's. He spends plenty of time around there. He could take a walk around to the Parliamentary Budget Office and submit his costings, which he has told all Australians are now complete. If they are complete, why don't you show them to the Australian people? We can see the secret hidden agenda that you have to slash health and education, because that is the only way you are going to make up the room for your hidden agenda and your policies into the future. So let's see someone be fair dinkum over there and take their policies around to the budget office. Let's see whether you are fair dinkum or not.

Mr HOCKEY (North Sydney) (14:28): Madam Deputy Speaker, I ask a supplementary question to the Acting Prime Minister—a very simple question. According to his own budget papers, is this new dental health scheme going to spend more or less over the next four years?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:29): Factored into the budget bottom line is the abolition of the chronic dental scheme. That is what we have factored into the budget bottom line, and we put out there our new scheme and we have said we will find savings to fund it.

**Housing Affordability**

Mr CRAIG THOMSON (Dobell) (14:29): My question is to the Minister for Housing. What is the government doing to increase the affordability of housing? In addition to striving to keep interest rates low, shouldn't there be a national housing plan under which the release of land is streamlined to meet the demand for land rather than the current system, which by its very nature restricts land releases and therefore pushes prices up? Aren't the sizes of mortgages as important as interest rates? Further, should the national housing plan incorporate a plan for the associated infrastructure needs of land releases, such as hospitals, roads, water supply and public transport?

Mr BRENDAN O'CONNOR (Gorton—Minister for Housing, Minister for Homelessness and Minister for Small Business) (14:29): I thank the honourable member for his question and his interest in housing. This is a very important area of public policy, and it is for that reason that recently, at the ministerial council that was held in Perth, I had discussions with my counterparts at the state and territory level to talk about what we need to do to ensure that we have sufficient housing stock in this country and to ensure that we have sufficient capability to allow people either to find housing for affordable rent or to make...
affordable purchases of homes. There is no doubt that, in the time that we have been in office, we have invested, as a federal government, more money in housing than any other government at the Commonwealth level. We created the National Affordable Housing Agreement with the states and territories to ensure that we provided opportunities for people who were looking to enter the housing market. We also invested $20 billion in housing. As I said yesterday, as a result of that investment, we have been contributing to one in every 20 homes built in this country since 2008.

But the member points to some other areas of public policy that are also very important. It is for that reason that we need to make sure that, in discussion with states and territories, we find sufficient land available to enable us to continue to invest in housing stock. My conversations with ministers at the state and territory level have involved us looking at ways we can unlock land to increase housing stock to ensure that people in Sydney, in New South Wales generally and in other states in this country are able to find the homes that they deserve. Most Australians believe that it is only reasonable that their aspiration involves finding a place they can call home. We have to do everything we possibly can to do that. I say to the honourable member, in relation to some of the reforms he is proposing, that they are on the table at the ministerial council on housing and homelessness. I am engaging with those ministers. There are also discussions that will occur in other ministerial councils in relation to planning, because there is no doubt there has been insufficient planning in relation to housing at the state level and we need to therefore consider doing more.

Further discussions will be held in November with my counterparts at the state and territory level to talk about those reforms. COAG is looking at driving some of these reforms as well. If the states and territories are fair dinkum about providing opportunities for people to purchase homes, whether it is in the honourable member’s electorate or any other part of this country, they need to bring to the table reforms that are needed, whether it is looking at ways in which people can enter the market for the first time or whether it is about ensuring we have sufficient affordability. I will continue to look at that and I am happy to talk to the member about that issue. *(Time expired)*

**DISTINGUISHED VISITORS**

The **DEPUTY SPEAKER (Ms AE Burke)** (14:32): I have been informed we have the mayors of Mount Isa and the Gold Coast in the gallery today. I welcome them to the House.

Honourable members: Hear, hear!

**QUESTIONS WITHOUT NOTICE**

New South Wales Government

Ms **OWENS** (Parramatta) (14:33): My question is to the Assistant Treasurer and Minister Assisting for Deregulation. I am really concerned that the New South Wales government’s budget funding cuts are hurting every school in my electorate. Why is it important that governments manage their fiscal duties in a responsible way that helps families, children and local communities?

Mr **BRADBURY** (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:33): I thank the member for Parramatta for her question. This government understands the importance of managing the budget for all Australians. That is why we are making responsible savings in order to return the budget to surplus this year. But, because we are a Labor government, we are determined to manage the economy responsibly, in a way that does not leave people behind. In fact, we are
providing more support for families and communities than ever before. We are determined to make sure we have a strong economy, but we want to build a fairer society as well. That is why we have introduced the Schoolkids Bonus; that is why we have increased family payments; and that is why we have delivered $47 billion worth of tax cuts in the term of this government.

But hardworking families and communities are facing an unprecedented threat, and it is coming from state Liberal premiers. Yesterday we saw the New South Wales Liberal government announce funding cuts of $1.7 billion to education. These are the biggest, the most vicious, the most aggressive cuts to education funding in New South Wales in the last 20 years. Guess what. That is when the Liberals were last in government—when the most vicious cuts prior to this were inflicted.

The member for Parramatta knows—representing a part of the world that I also represent, western Sydney—just how much of an impact these cuts are going to have for the people of western Sydney. But it is not just her and me who feel this way. There is another member for Parramatta. He is the Liberal member for Parramatta in New South Wales. He was quoted in the Telegraph today saying, about these education funding cuts:

These are our people in western Sydney, the aspiring, and these are the ones we should be supporting, not cutting them down.

It is Labor governments that invest in the skills of people like the people of western Sydney. It is the Liberals that are out there cutting them down. And we can guarantee that they will do it again. If this mob ever get into government, they will do the same thing. How do we know that? We know that because they have got a $70 billion black hole. If they can do this sort of damage in New South Wales with $1.7 billion worth of cuts, imagine how much damage they can do the country if they have to rip out the amount of cuts involved to fill their $70 billion black hole. We know that they have already announced $2.8 billion worth of cuts to education, but it is not the cuts that they have announced that you have got to worry about; it is the ones that they have not announced yet. One of the first things the Leader of the Opposition will do, straight out of the Campbell Newman playbook, is establish a commission of audit. The commission of audit will be all about making sure that they get to inflict the cuts that they have not had the opportunity to take to the Australian people before the election.

Ms OWENS (Parramatta) (14:36): Madam Deputy Speaker, I ask a supplementary question. The minister has talked about the impact of government fiscal policies on education. What does this mean for schools in my electorate?

Mr BRADBURY (Lindsay—Assistant Treasurer and Minister Assisting for Deregulation) (14:37): I know that the member for Parramatta cares very deeply about all of the schools in her electorate. She is right to ask the question, because the impact of these cuts will be devastating. It will be devastating and it will hit every single school in her electorate—every government school, every Catholic school and every independent school. No school will be safe from the ravages of these vicious cuts that we are seeing in New South Wales.

How do we know exactly what the consequences of these sorts of cuts might be? On Friday there was a letter circulated to principals in the Parramatta diocese—

Mr Tudge interjecting—

The DEPUTY SPEAKER (Ms AE Burke): The member for Aston is warned!

Mr BRADBURY: by the executive director of Catholic education, Mr Gregory
Whitby, who I also had the opportunity to speak to today. In his letter, he spoke about what the impact of these cuts might be. He said that this decision will have a profound impact on costs for Catholic schooling. Fees will have to rise, and other measures like school closures and staff reduction may be necessary. So, if you want to know what the impact of these funding cuts is going to be, if you want to know about the impact of the funding cuts that a future Liberal federal government would inflict if they got the opportunity, it is about jacking up fees for parents; it is about cutting funding for schools; and, in some cases, it is even about leading to school closures.

**Taxation**

*Mrs BRONWYN BISHOP* (Mackellar) (14:38): My question is to the Acting Prime Minister. Will the Prime Minister rule out introducing death duties?

*Government members interjecting—*

**The DEPUTY SPEAKER** (Ms AE Burke): Order! The Acting Prime Minister has the call, and the parliamentary secretary—and he knows who I am talking about—is warned!

*Mr SWAN* (Lilley—Deputy Prime Minister and Treasurer) (14:39): I think that question just demonstrates how far those on the other side of the House will go to run a fear campaign. I refer the shadow minister to the answer that I gave in the House yesterday and the answer I gave the day before, but what I will say is that, when we responded to the Henry report, we ruled that out.

*Mr Hockey*: We know what you're up to, Swannie!

**The DEPUTY SPEAKER**: The member for North Sydney is denying his colleagues the call.

*Mrs BRONWYN BISHOP* (Mackellar) (14:39): Madam Deputy Speaker, I have a supplementary question. Given the Acting Prime Minister's equivocation and refusal to rule out death duties, is he planning—

*Government members interjecting—*

**The DEPUTY SPEAKER**: Order! The member for Mackellar will resume her seat, and I will have silence! The member for Mackellar will commence her question again.

*Mr Albanese*: Madam Deputy Speaker, reluctantly I raise a point of order. A supplementary question is meant to arise from the answer, in this case of the Acting Prime Minister. The Acting Prime Minister gave a very clear answer. It is not our—

*Mr Hockey interjecting—*

*Mr Dutton interjecting—*

*Mr Albanese*: When they stop yelling—

**The DEPUTY SPEAKER**: Yes. The member for Dickson is warned!

*Mr Albanese*: Madam Deputy Speaker, it is not the responsibility of those on this side of the House that those on that side of the House do not listen to the answers. The question has been fully answered. The supplementary—

**The DEPUTY SPEAKER**: The Leader of the House will resume his seat.

*Mr Pyne*: In regard to the point of order—

**The DEPUTY SPEAKER**: I am going to allow the member for Mackellar to start her question again. Her question is in order. She will be heard in silence.

*Mrs BRONWYN BISHOP*: Thank you very much, Madam Deputy Speaker. Given the Acting Prime Minister's refusal to rule out death duties, will he now rule out any increase in income tax to fund his $120 billion great big budget black hole—yes or no?
Mr Albanese: Madam Deputy Speaker, on a point of order: the question is out of order. The question is out of order because the original question was fully answered. The supplementary question refers to an answer that was not given.

The DEPUTY SPEAKER: The question is in order. The Acting Prime Minister will answer the question.

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:41): There is no such hole, Deputy Speaker. I made that point yesterday. I made it the day before. I said it was a shoddy piece of journalism in the Financial Review. I know that they will continue to repeat it, but it is wrong.

Secondly, I answered that question before. I said we ruled that matter out in our response to the Henry report. There was one word that I thought everyone on the other side of this House should understand. It is the meaning of the word no.

The DEPUTY SPEAKER: The member for Herbert is not in his seat. He is going to behave, isn't he!

Health Care
Queensland Government

Mrs D’ATH (Petrie) (14:42): My question is to the Minister for Health. Minister, today families in my electorate are reeling from cuts announced in the Queensland budget to jobs and front-line health services. What impact will these cuts have on health services, and how is the government supporting the healthcare needs of families?

Ms PLIBERSEK (Sydney—Minister for Health) (14:43): I thank the member for Petrie for her question. I know that as a proud Queenslander she is very worried about the effects that these cuts will have on people living in her electorate and living in Queensland. For weeks now we have heard little bits of information from here and there: cuts to breast-screening services; cuts to nurses in Townsville, the Darling Downs, Charters Towers and West Moreton; cuts to flu vaccine for health workers; cuts to pathology services in Hervey Bay; and even cuts to counsellors who help grieving relatives at the morgue—all of these little reports from everywhere. But yesterday we saw in the budget papers a whole lot more information. We heard that in fact the job cuts were not 2,700; there are in fact 4,140 jobs to go. You cannot cut that many jobs without impacting front-line services.

We have seen more shockers. We have seen the shutting of the Queensland Tuberculosis Control Centre and 12 full-time jobs go from the DonateLife agency, effectively disbanding this agency. Everything we know about increasing organ donation rates says that you need dedicated workers to do it, and we have seen in this budget that those dedicated workers have gone, including the donor family support officer—gone to be a bureaucrat instead of supporting families.

You know, having all these bits of information, it is like one of those 3-D Magic Eye pictures—you are seeing all these bits of disparate information and when you look at it closely a picture emerges, and it is a very scary picture indeed: it is the picture of Tony Abbott's Australia if he is ever Prime Minister. We know this is the curtain-raiser. I tell you what: we had a press release also from Peter Dutton, the member for Dickson, the shadow minister for health and ageing; it is called—

Ms Julie Bishop: Madam Deputy Speaker, on a point of order: it would be helpful if the minister were to refer to the member by their seat, not by their name, and act in accordance with the standing orders.
The DEPUTY SPEAKER (Ms AE Burke): The Deputy Leader of the Opposition's point is valid. Individuals must be referred to by their seats.

Ms PLIBERSEK: So, the member for Dickson, the shadow minister for health and ageing—'Resuscitating Queensland Health'. This is a great one. He is congratulating the Queensland government for these cuts. And—wait for it—this is the best bit: he says, 'You can take Labor's path and spend taxpayers' money on shiny towers housing public servants, or you can take the Liberal way and spend it on helping doctors.'

Opposition members: Hear, hear!

Ms PLIBERSEK: What do we see here? Campbell Newman's towers!

Opposition members interjecting—

Ms PLIBERSEK: Members opposite should read the Townsville Bulletin:

As Townsville's already-stretched public hospital staff face an uncertain future, Premier Campbell Newman has announced a flash new Brisbane office for himself - and it's not a good look.

The DEPUTY SPEAKER: Before I call the next question, I inform the House that we have present in the gallery this afternoon—

Honourable members interjecting—

The DEPUTY SPEAKER: This is ridiculous! I am trying to welcome visitors and you are not even giving me the courtesy of allowing me to do that. It is just beyond the pale.

DISTINGUISHED VISITORS

The DEPUTY SPEAKER (Ms AE Burke) (14:46): I inform the House that we have present in the gallery this afternoon members of the Swedish parliamentary committee on taxation. On behalf of the House, I extend a very warm welcome to the parliament today.

Honourable members: Hear, hear!

QUESTIONS WITHOUT NOTICE

Budget

Mr ALEXANDER (Bennelong) (14:46): My question is to the Acting Prime Minister. If the government is serious about funding its $120 billion great big budget black hole and cutting back on waste, why has the government handed—

Mr Albanese: Madam Deputy Speaker, I rise on a point of order. Up to this point, none of that is in order; it is pure argument, and it is not true.

The DEPUTY SPEAKER (Ms AE Burke): The member for Bennelong will commence his question again without the introduction of the argument.

Mr Hockey interjecting—

The DEPUTY SPEAKER: The member for North Sydney does not get to determine—

Mr Pyne: Madam Deputy Speaker, I raise a point of order. With the greatest respect, the government has been talking about things that the opposition have never said, in their answers and in their questions for the last five years. If we cannot talk about the $120 billion great big budget black hole, then that is a complete double standard.

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. I have allowed other questions that have not begun—

Perhaps if you could commence the question with the question and then go on to the rhetorical parts, we would have the question.

Mr ALEXANDER: My question is to the Acting Prime Minister. Why has the government handed $72,000 to the Auburn Community Development Network to host an 'enviro tea salon' and a 'weaving workshop' to promote the carbon tax if the
government is serious about funding its $120 billion great big budget black hole?

Opposition members interjecting—

The DEPUTY SPEAKER: The last part of the question was out of order. The Acting Prime Minister has the call, and if the opposition was serious about question time they would actually allow an answer.

Opposition members interjecting—

The DEPUTY SPEAKER: All I meant was silence—standing order 65(b). All I am referring to is the level of noise. I cannot actually hear. So, therefore, you could not possibly hear an answer.

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (14:49): This government is very serious about fiscal policy. And we have proved that, every year that we have been in government. We have put in place a fiscal policy which has had the big tick from the OECD, from the World Bank, from the IMF and, most particularly, from the rating agencies. We have a AAA, gold-plated rating from the three major rating agencies, for the first time in our history—something not achieved by those on the other side of the House. That is the first time in our history we have had that from the three major rating agencies globally. And why do we have that? Because, firstly, we took the responsible steps during the global financial crisis to stimulate our economy and to support jobs and families—understanding, based on Labor values, that we would protect people from the ravages of a global recession, because we understand what unemployment means to people. We understand what it means to dignity. We understand what it means to communities. We understand all of these things because they are based on our values and our sound policies. And when we did that we were opposed by everyone opposite; the Leader of the Opposition slept through the critical debate that saved Australia from the global recession. At the same time that we did that, we put in place the fiscal policy to bring our budget back to surplus over time and to put in place a set of fiscal rules—

Mr Hartsuyker: Madam Deputy Speaker, I rise on a point of order on relevance. The question was about the weaving workshop and the tea salon.

The DEPUTY SPEAKER: The member for Cowper will resume his seat. The Acting Prime Minister has the call.

Mr SWAN: It was a question about fiscal policy, Madam Deputy Speaker, and I am answering it directly. Nothing could be more important to the peace of mind of the Australian people than a very sound fiscal policy. But that is not understood by those opposite.

The shadow Treasurer admitted on morning television that there was a $70 billion crater in his budget bottom line. He said it on TV, sitting beside the environment minister, and now he claims it did not happen. For the past two years this country has had to suffer the Leader of the Opposition going from shop to shop and town to town talking doom and gloom, talking our economy down and talking up a horror show wherever he has gone. But he has gone missing in action for the past week. He has been nowhere to be found for the past week. All we have had from the Leader of the Opposition for the past week is radio silence. After his interview with Lisa Wilkinson on Friday, he retreated. Perhaps there were things in his past that he did not want to talk about. Perhaps he was deeply worried about the political implications of what is going on in New South Wales and in Victoria.

The DEPUTY SPEAKER: Order! The Acting Prime Minister will return to the question.
Ms Julie Bishop: On a point of order, Madam Deputy Speaker: this would be as relevant as talking about the vandalism of an electorate office in 1996. If that is not relevant, how can this possibly be?

The DEPUTY SPEAKER: As the Deputy Leader of the Opposition was making her way to the dispatch box, I was already asking the Acting Prime Minister to return to the question.

Mr SWAN: I am talking about the importance and seriousness of fiscal policy. Those on that side of the House do not have one and they are unfit for high office.

Mr Alexander: Madam Deputy Speaker, I seek leave to table an article from the Financial Review detailing the $120 billion black hole.

Mr Mitchell interjecting—Leave not granted.

Mr Albanese: I table the full list of Queensland Public Service redundancies so that those opposite can see where people are being sacked.

Mr Briggs: On a point of order, Madam Deputy Speaker: the member for McEwen made a highly inappropriate comment and he should withdraw.

The DEPUTY SPEAKER: The member for McEwen will withdraw.

Mr Mitchell: I withdraw.

The DEPUTY SPEAKER: I thank the member for McEwen.

Mr Tony Smith interjecting—Order! The member for Casey is not assisting the dignity of this parliament. Maybe I will send all the emails I get at the end of question time to you all and you can reflect on how the public view your behaviour.

Ms ROWLAND (Greenway) (14:55): My question is to the Minister for Employment and Workplace Relations, Financial Services and Superannuation. How is the government promoting fairness in Australian workplaces and, with all the job cuts announced by state governments in front-line education and health services this week, what risks are there to fairness in our workplaces?

Mr SHORTEN (Maribyrnong—Minister for Financial Services and Superannuation and Minister for Employment and Workplace Relations) (14:55): I thank the member for Greenway for her question. The Labor government and the labour movement are always striving to promote fairness in Australian workplaces. To support that proposition, I would submit that it is this government which has been in office during the creation of 800,000 jobs, that it is this government which is educating and training our young for the future, that it is this government which is remedying unequal pay for women in the community services sector, that it is this government which wants safe roads and which is acting to make sure that truck drivers return home safe at the end of their rostered work, that it is this government which is delivering secure retirement incomes by increasing superannuation from nine per cent to 12 per cent, that it is this government which has abolished discrimination against older workers in access to superannuation and that it is this government which is scrapping superannuation taxes for the low paid. But this is not a government which seeks to dump the blame for the challenges of the national economy on the backs of 1.8 million public sector workers.

Fairness in Australian workplaces can never be taken for granted. It must be
jealously guarded. We must be vigilant against threats to fairness. But fairness in Australian workplaces is under attack today. Let us have a look at those Liberal state governments—they are not a looming risk to fairness; that risk is a reality. Every patient, every student, every family is affected by the cuts to public sector jobs in Australian workplaces. The state Liberal chainsaw job massacre is underway. We know you cannot have fairness for public sector workers while they are being maligned by this view that, if we could just get rid of tens of thousands of public sector workers, miraculously the nation would be a better place.

Let me unpack who some of these public servants being attacked are. There are 600 transit officers in New South Wales being cut. What did they ever do to deserve a Liberal attack?

Mr Craig Kelly: Voted Labor!

Mr SHORTEN: In the Queensland rural fire service, 45 out of 79 uniformed officers are being cut. What a recipe for disaster to cut fire officers before what is potentially one of Queensland's worst bushfire seasons! What did the public servants who are on maternity leave in Victoria ever do to be told by Premier Baillieu—'Red Ted' Baillieu—that they have to reapply for their own jobs?

The DEPUTY SPEAKER (Ms AE Burke): Order! The minister will withdraw the reference to the Premier. It was unparliamentary.

Mr SHORTEN: I withdraw. But what did the nurses in Townsville ever do to deserve Premier Newman cutting their jobs? What did the hospital orderlies and the school cleaners and the people necessary to make sure we have healthy hospitals do? Fairness in Australia is under attack because of conservative state governments. I only have one challenge for those opposite: will you endorse what they are doing or will you walk away from it? Are the state governments really the warm-up act for your industrial relations approach or do you disown the bungling? (Time expired)

Mr Albanese: On a point of order, Madam Deputy Speaker: during the minister's answer, when he asked, rhetorically, what various people had done to deserve getting the sack, the member for Hughes yelled across the chamber, 'Voted Labor'.

Honourable members interjecting—

Mr Albanese: And he is confirming that now. That is offensive—that orderlies and working-class people should be sacked for voting Labor. I find it incredibly offensive, as does everyone—not just on this side of the House but also, I would have thought, on that side of the House—to say, 'It's okay to be sacked if you voted Labor,' and I ask that he withdraw.

The DEPUTY SPEAKER: The member for Hughes will withdraw for the assistance of the House. For the benefit of the parliament—

Mr Craig Kelly: I withdraw.

The DEPUTY SPEAKER: I thank the member for Hughes.

Carbon Pricing

Mr SCHULTZ (Hume) (15:00): My question is to the Acting Prime Minister. I refer the Acting Prime Minister to this bill received by the Calvary John James Hospital here in Canberra that shows its off-peak electricity rate has increased by 66 per cent because of the carbon tax. Will the Acting Prime Minister apologise to its CEO, Shaune Gillespie, who stated: Every dollar that we pay in carbon tax is a dollar less that we reinvest into our organisation. … So we are looking at $84,000 that could have improved patient care …
Why are patients bearing the brunt of your government’s broken promise? (Time expired)

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (15:01): I thank the member for Hume for his question, because what we have seen in this House, day after day, are allegations of that nature, and they are generally always wrong. They are always exaggerated, they are always taken out of context, and there are a litany of them. So I am happy to examine the bill, but I want to make a couple of points.

The fact is that the fear campaign run by the Leader of the Opposition has now simply run out of steam. It has run right into a brick wall. And why has it run right into a brick wall? Because many of these allegations have been proven to be false. He even recognised this himself when he was down in Tasmania a few weeks ago, where he was forced to admit that the impacts he had been claiming the carbon price would have were not going to happen. He admitted that. Of course, that does not gel with all of the statements he and others from the coalition had been making that the carbon price was going to be a wrecking ball right through our economy—

Mr Schultz: Madam Deputy Speaker, on a point of order: the answer from the Deputy Prime Minister does not have any relation to the question that I asked. I ask you to request that the Deputy Prime Minister respond to the question.

The DEPUTY SPEAKER (Ms AE Burke): The member for Hume will resume his seat. The Acting Prime Minister will return to the question before the chair.

Mr SWAN: Certainly, Deputy Speaker. Hospitals do not pay the carbon price. Yes, there is an impact on electricity costs—there is no doubt about that—but there is no direct imposition of the carbon price on hospitals. And as the Treasury modelling estimates—

Opposition members interjecting—

Mr SWAN: I guess they prove my point all of the time with this outrageous exaggeration. The Australian public has recognised it for what it is, which is outrageous exaggeration. But they are still in here trying to run the fear campaign when it has run into a brick wall. That is why the Leader of the Opposition is not going to come in here and ask these sorts of incorrect questions; the campaign that he has been running has simply run out of steam. That says a lot about those opposite—that they do not have any alternative policy framework for this country other than to put their stamp of approval on savage cuts to health and education in the states of Queensland and New South Wales. This is one of the reasons why there is radio silence now from the Leader of the Opposition. He is not out there talking about these things because he is not fair dinkum.

Mr Abbott: Madam Deputy Speaker, on a point of order: for the benefit of the Acting Prime Minister, there is a military funeral on today—a military funeral—and that is why I thought it would be best not to go out and do a party-political doorstop interview. The Acting Prime Minister has been informed via the Leader of the House, and he should not
make those sorts of smears in this parliament.

Mr SWAN: Where has the Leader of the Opposition been for the past week?

Mr McCormack interjecting—

The DEPUTY SPEAKER: Order! The member for Riverina!

Mr Schultz: Madam Acting Speaker, I ask leave of the House to table the document from the hospital which quite clearly shows that they pay carbon tax.

Leave not granted.

Mr Albanese: I table A tax to make the polluter pay by Greg Hunt.

Australian Natural Disasters

Mr NEUMANN (Blair) (15:05): My question is to the Attorney-General and Minister for Emergency Management. Will the minister inform the House how the government supports Australians during disaster seasons; and is the minister aware of any avoidable risks leading up to this disaster season?

Ms ROXON (Gellibrand—Attorney-General and Minister for Emergency Management) (15:06): I thank the member for Blair for his question. Both the member for Blair and the member for Oxley, along with a number of members on the other side of the House, have been very involved in raising with me the impacts on their communities of disasters, whether it was Black Saturday, the Queensland floods, Cyclone Yasi or floods in the last season. There are many of these events, unfortunately, that occur, and we are coming into another season now where Australians need to make sure that they are prepared for them.

People are probably aware that the Commonwealth contributes a significant amount of money to supporting communities in such times of trouble. In the course of the year 2011-12, the Natural Disaster Relief and Recovery Arrangements provided approximately $3 billion to affected communities.

When disaster strikes, people expect that communities will pull together. The member for Blair asked the question. I went to his local SES and worked with and met a number of people who are volunteer firefighters, who are involved in all sorts of assistance to the community. It is why we read with, frankly, some large shock that more than half of Queensland's Rural Fire Service, their uniformed officers, are being sacked as a result of cuts by the Queensland government—more than half.

Opposition members interjecting—

Ms ROXON: People might be calling out over there, but I know—and I do not make any political point about this—that there are many regional members who come to talk to me who want assistance, appropriately, for their communities. We have been engaging and discussing with them, whether it is the member for Riverina, the member for McEwen or the Independents. Unlike the outrageous comments that were made earlier in question time, we do not actually care how those communities vote. They are entitled to assistance and they should not be going through what they are going through in Queensland, in a state of shock that more than half of the uniformed officers in the Rural Fire Service are being sacked by Premier Newman.

As we go into disaster season, we cannot afford to lose confidence in those vital services, whether it is the SES, the fire service or our police. On this side of the House, we want to work with emergency personnel and provide them with the support that is needed. Unfortunately, the Liberals around the country do not think that is so
important and we do not know what this man opposite would do if he were the Prime Minister.

**Fisheries**

Mr HUNT (Flinders) (15:09): My question is to the Acting Prime Minister. Will the Acting Prime Minister confirm that the government will rely on these amendments from the member for Dobell to fix up their attack on recreational and family fishing operations?

Mr SWAN (Lilley—Deputy Prime Minister and Treasurer) (15:09): That is a matter for the parliament.

**Fisheries**

Mr GEORGANAS (Hindmarsh) (15:09): My question is to the Minister for Sustainability, Education, Water, Population and Communities. Will the minister update the House on developments since his announcement yesterday about changes to fisheries regulations under national environmental law? How do these developments impact on the FV Abel Tasman?

Mr BURKE (Watson—Minister for Sustainability, Environment, Water, Population and Communities) (15:09): I thank the member for Hindmarsh for his question. The member for Hindmarsh has been following the issue of the supertrawler very closely for some time and has been making representations about it in detail. Since I referred to the issue yesterday, the legislation has been introduced and is now before the parliament. It is also the case that in the course of that discussion there have been a couple of issues raised extensively as developments that need to be put out of the way straight away for the benefit of all the parliament. The first development is that there has been a claim that a document that was put out independently by AFMA two or three years ago was somehow authorised by me when I was fisheries minister. That, of course, is not the case. It never has been the case and that harvest strategy was never authorised by the minister. That is not how the system works.

Mr Baldwin: You haven't excluded it.

Mr BURKE: The most ridiculous claim is that somehow this legislation is going to have a big impact on recreational fishing as well. I am not aware of a lot of recreational supertrawlers out on the ocean.

Mr Baldwin: It is not about supertrawlers. Read your own legislation, you fool!

The DEPUTY SPEAKER (Ms AE Burke): The member for Paterson is warned!

Mr BURKE: I do not know that the issue is all that big. I do know that there is a series of amendments, some of which I have put in, and one of which was referred to in the question by the member for Flinders, which clarify once and for all what has always been the intention of the government.

Mr Morrison: Who is the other member?

Mr BURKE: The member for Dobell—and this is where concerns have been raised, including by recreational fishers in the electorates of those opposite. It is the reason the member for Dawson stood up in parliament yesterday and said that he wanted that particular vessel stopped. The amendments will be made to hone down the issue and leave no doubt that we are talking about very specific situations. If anyone wants to claim that they can just vote no and hide behind a recreational fishing argument, that argument will be gone. And people will know when they go back to their electorates, if they vote against the government's legislation, that their recreational fishers will put the issues squarely to them. They may as
well be standing on the deck, hauling in the net, if they oppose this legislation.

Mr Hunt: I seek leave to table the minister's harvest strategy from three years ago, calling for large-scale, factory freezer vessels.

Leave not granted.

Mr Burke: I table a letter to me from the member for Flinders asking that I do more to protect the Tasmanian tiger in the Tarkine rainforest.

**MOTIONS**

**Gillard Government**

Mr HOCKEY (North Sydney) (15:13): I move:

That so much of the standing and sessional orders be suspended as would prevent the Member for North Sydney from moving the following motion forthwith:

That this House:

1. condemns this Government for failing to adequately detail how it will pay for its $120 billion of new spending on disability services, additional funding for aged care, new funding for low-paid workers, increased costs of its border protection failures, funding of new defence projects, establishment of a new dental care scheme, and provision of additional education funding for everyone everywhere;
2. calls on the Treasurer to immediately explain which new or increased taxes will be introduced to fund the Government's $120 billion Budget black hole; and
3. further condemns the Government for refusing to release Treasury's taxpayer funded costings of Greens taxation policies, and rejects the Government's claims that the documents would "allow a direct inference to be drawn about subsequent Cabinet deliberations", and that they contained "material prepared to inform deliberations of Government".

This mob cannot continue to be hypocrites in the House. They need to come clean about their $120 billion hole. What—

The DEPUTY SPEAKER (Ms AE Burke): Order! The member for North Sydney will resume his seat. My apologies; I was trying to do something else. The Leader of the House has the call.

Mr Albanese: The government has not been given the courtesy of being furnished with a copy of the rant from the shadow Treasurer.

Mr Pyne: You can't have it until he's read it.

The DEPUTY SPEAKER: The member for North Sydney has the call.

Mr HOCKEY: Time and time again Labor comes out with big-spending promises. They do everything they can to stop us from trying to clean up their mess. We have to come in and clean up their mess because—the Lord knows!—they know how to make a mess.

Mr Albanese: In the interests of all of our hearing, I move:

That the member be no longer heard.

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

The House divided. [15:20]

(The Deputy Speaker—Ms AE Burke)

Ayes ...................... 65
Noes ...................... 71
Majority ............... 6

**AYES**

Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Geoghegan, S
Gray, G

Albanese, AN
Bowen, CE
Brodtsman, G
Butler, MC
Champion, ND
Clare, JD
Crean, SF
D'Ath, YM
Elliot, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Grierson, SJ

CHAMBER
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<td>Roy, WB</td>
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<td>Tehan, DT</td>
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**Pairs:**
- Combet, GI
- Gillard, JE
- Livermore, KF
- Marles, RD
- Rudd, KM
- Mirabella, S

Question negatived.

**The DEPUTY SPEAKER (Ms AE Burke):** Is the motion seconded?

Mr PYNE (Sturt—Manager of Opposition Business) (15:28): I second the motion. The Treasurer needs to come into the House and explain: where is the money coming from? The Treasurer appears to take his financial advice from Norman Lindsay. He seems to think there is a magic pudding somewhere and every time you take a slice it grows back. A government that promised before the last election, 'There will be no carbon tax under the government I lead,' will never be believed by the Australian people that it will be able to fund its $120 billion of unfunded promises which it is using to bribe the Australian people at the next election.

Mr Albanese: Madam Deputy Speaker, I would ask that that comment be withdrawn.

Opposition members interjecting—

Mr Pyne: It's been used in this place dozens of times.

The DEPUTY SPEAKER (Ms AE Burke): The Manager of Opposition Business has the call.
Mr PYNE: Before I was rudely interrupted, I was pointing out that nothing this government does can be believed.

Mr Albanese: Madam Deputy Speaker, on a point of order, I refer to the sixth edition—for the first time, I think, in this chamber—of the House of Representatives Practice at page 261, which goes to the suspension of standing orders:

It is not unusual in the functioning of the House for it to be found necessary to suspend standing orders, or a particular standing order, to permit certain action to be taken.

It goes on—

Mrs Bronwyn Bishop: Madam Deputy Speaker, on the point of order, I refer you to House of Representatives Practice, no matter which edition. The fact of the matter is that he is abusing the use of a point of order to stop the clock. He should be sat down.

The DEPUTY SPEAKER: The member for Mackellar will resume her seat. Could the Leader of the House get to his point?

Mr Albanese: On that basis, if even the member for Mackellar does not want to hear the Manager of Opposition Business, I move:

That the member be no longer heard.

Mr Pyne: You can shut down the debate but you cannot shut down the Australian people, who are waiting for you with chainsaws—

The DEPUTY SPEAKER: The Manager of Opposition Business will resume his seat. The Manager of Opposition Business might reflect on the use of the word ‘you’ in the statement he just made. The question is that the member be no longer heard.

The House divided. [15:34]

(The Deputy Speaker—Ms AE Burke)

Ayes ........................... 66
Noes ........................... 72
Majority ....................... 6

AYES
Adams, DGH
Bird, SL
Bradbury, DJ
Burke, AS
Byrne, AM
Cheeseman, DL
Collins, JM
Danby, M
Dreyfus, MA
Ellis, KM
Ferguson, LDT
Fitzgibbon, JA
Georganas, S
Gray, G
Griffin, AP
Hayes, CP
Jenkins, HA
Kelly, MJ
Leigh, AK
Lyons, GR
McClelland, RB
Mitchell, RG
Neumann, SK
O’Neill, DM
Parke, M
Shorten, WR
Smith, SF
Snowdon, WE
Symon, MS
Vamvakinou, M

NOES
Alexander, JG
Andrews, KL
Bandt, AP
Bishop, BK
Briggs, JE
Buchholz, S
Christensen, GR
Cobb, JK
Crock, AJ
Entsch, WG
Frydenberg, JA
Gash, J
Hartsuyker, L
Hockey, JB
Irons, SJ
Jones, ET
Kelly, C

Alesane, AN
Bowen, CE
Brodtmann, G
Butler, MC
Champion, ND
Clare, JD
Crean, SF
D’Ath, YM
Elliott, MJ
Emerson, CA
Ferguson, MJ
Garrett, PR
Gibbons, SW
Grierson, SJ
Hall, JG (teller)
Husic, EN (teller)
Jones, SP
King, CF
Livermore, KF
Macklin, JL
Melham, D
Murphy, JP
O’Connor, BPJ
Owens, J
Perrett, GD
Ripoll, BF
Rowland, MA
Saffin, JA
Sidebottom, PS
Smyth, L
Swan, WM
Thomson, KJ
Zappia, A
The time for the debate has expired.

Mr Swan: Madam Deputy Speaker, I ask that further questions be placed on the Notice Paper.

COMMITTEES

Selection Committee

Report

The DEPUTY SPEAKER (Ms AE Burke) (15:41): I present report No. 64 of the Selection Committee, relating to the consideration of committee and delegation business and private Members' business on Monday, 17 September 2012. The report will be printed in the Hansard for today and the committee’s determinations will appear on tomorrow’s Notice Paper. Copies of the report have been placed on the table.
consumers, and for other purposes (Competition and Consumer Amendment (Australian Food Labelling) Bill 2012).

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


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

3 MR MORRISON: To move:

That this House:
(1) notes that:
(a) mitochondrial disease:
(i) is an incurable and debilitating genetic disorder that saps the body's cells of their energy; and
(ii) reduces the ability of mitochondria to produce energy required for vital bodily functions, disrupting important muscle and organ function and leading in some cases to organ failure or death;
(b) a child is born every 30 minutes who will develop a mitochondrial disease before their tenth birthday;
(c) one in every 200 people is affected by mitochondrial disease, but many are misdiagnosed;
(d) each year 50 children will develop a severe or life-threatening form of mitochondrial disease;
(e) there:
(i) is a widespread lack of awareness about this disease, its symptoms or effects; and
(ii) are few effective treatments for this disease; and
(iii) is currently no cure for this disease;
(f) clinical trials are underway however, research into this disease requires greater monetary and community support and recognition;
(g) scientists have linked mitochondrial dysfunction to other major diseases including alzheimer's disease, parkinson's disease and diabetes; and
(h) advances in treatment for mitochondrial dysfunction could also improve treatments for millions of people who suffer these other illnesses;
(2) recognises that:
(a) 16 to 22 September 2012 is Global Mitochondrial Disease Awareness Week;
(b) 23 September 2012 is Global World Stay in Bed Day to raise awareness and funds for research into mitochondrial disease; and
(c) the Australian Mitochondrial Disease Foundation has been working since 2009 to support patients and their families, spread information and raise the profile of this disease in the community and medical field; and
(3) calls on the Government to:
(a) encourage the public and private sectors to promote greater awareness of mitochondrial disease;
(b) help raise the profile of mitochondrial disease within the medical profession to overcome the lack of knowledge that contributes to misdiagnosis and improper treatment of this condition; and
(c) ensure there is appropriate support for patients of mitochondrial disease and their families. (Notice given 10 September 2012; amended 12 September 2012.)

Time allotted—remaining private Members' business time prior to 12 noon.

Speech time limits —
Mr Morrison—10 minutes.
Next 5 Members speaking—10 minutes.
Other Members—5 minutes each.

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

The Committee determined that consideration of this matter should continue at a later hour.
Items for House of Representatives Chamber
(8 to 9:30 pm)

3 Joint Standing Committee on Foreign Affairs, Defence and Trade


The Committee determined that statements on the report may be made—all statements to conclude by 8:10 pm.

Speech time limits —

  Dr Jensen—5 minutes.
  Next Member speaking—5 minutes.

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

Notices—continued

4 MR NEUMANN: To move:

That this House:

(1) commends the Australian Government's:
  (a) commitment to meeting Australia's future workforce needs;
  (b) strong investment record in skills and training; and
  (c) partnership with industry to meet Australia's skills challenges;

(2) notes that all Australians should have the opportunity to get the education and skills they need for the jobs on offer, and the importance:
  (a) that the TAFE system plays in providing training opportunities; and
  (b) of federal, state and local initiatives to provide jobseekers with customised employment and training to meet their individual needs and the demands of the labour market for a skilled workforce; and

(3) calls on Governments at all levels to:
  (a) provide funding for employment and skills services; and
  (b) continue to invest in TAFE and skills training. (Notice given 10 September 2012.)

Time allotted—40 minutes.

Speech time limits —

  Mr Neumann—10 minutes.
  Next Member speaking—10 minutes.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 + 4 x 5 mins]

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

Orders of the day

1 RETURN OF AUSTRALIAN TROOPS FROM AFGHANISTAN: Resumption of debate (from 19 March 2012—Mr E. T. Jones, in continuation) on the motion of Mr Bandt—That this House calls on the Government to set a date for the safe return of Australian troops from Afghanistan

Time allotted—remaining private Members’ business time prior to 9:30 pm.

Speech time limits —

  Mr Bandt—10 minutes.
  Next 2 Members speaking—10 minutes each.
  Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 3 x 10 + 2 x 5 mins]

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

Items for Federation Chamber (approx 11 am to approx 1:30 pm)

PRIVATE MEMBERS’ BUSINESS

Orders of the day

1 CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT: Resumption of debate (from 10 September 2012) on the motion of Mr Oakeshott:

That this House:

(1) endorses the draft code of conduct at Appendix 5 of the report of the House of Representatives Standing Committee of Privileges and Members’ Interests, Draft Code of Conduct for Members of Parliament; and

(2) requests the Leader of the House to bring forward urgently for the House’s consideration the proposed changes to standing orders and resolutions of the House necessary to give effect to the Code, procedures for considering complaints under the Code, and for the role of the Standing Committee of Privileges and Members’ Interests in oversight of the Code.
Time allotted—20 minutes.

Speech time limits —
All Members—5 minutes each.

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

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

Notices

1 MR CHESTER: To move:

That this House:

(1) notes that with more than 150,000 members and 310 affiliated surf lifesaving clubs, surf lifesaving is the largest volunteer movement of its kind in Australia;

(2) recognises the outstanding contribution made to health and safety of beachgoers by volunteer and professional surf lifesavers;

(3) highlights that the economic value to the Australian economy of surf lifesaving's coastal drowning and injury prevention efforts in 2009-10 was independently assessed to be $3.6 billion;

(4) supports the important role played by surf lifesaving clubs in developing young people's health, fitness and leadership skills through an extensive junior program; and

(5) acknowledges the Coalition's commitment to implement a $10 million fund if elected into government to:

(a) assist clubs to purchase vital rescue equipment, first aid and medical supplies; and

(b) extend the Beach Drowning Black Spot Reduction Program. (Notice given 23 August 2012.)

Time allotted—100 minutes.

Speech time limits —
Mr Chester—10 minutes.
Other Members—10 minutes each.

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

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

2 Mr Hayes: To move:

That this House:

(1) observes National Police Remembrance Day on 29 September;

(2) acknowledges the pivotal role police play in our community and the great deal of sacrifice and risk that come with the job;

(3) honours the lives and memories of the many fine men and women who have had their lives tragically cut short in the execution of their duties, in particular, Senior Constable David James Rixon, who was shot and killed in Tamworth on 2 March 2012;

(4) pays tribute to the families and friends of police officers that have been killed in the line of duty throughout our nation's history, and acknowledges the good work of Police Legacy, who look after the families of the fallen; and

(5) affirms its support for the nation's 56,000 police officers and praises them for their courage, commitment and dedication in protecting our community. (Notice given 21 August 2012.)

Time allotted—remaining private Members' business time prior to approx 1:30 pm.

Speech time limits —

Mr Hayes—5 minutes.
Other Members—5 minutes each.

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

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

Items for Federation Chamber (approx 6:30 to 9 pm)

PRIVATE MEMBERS' BUSINESS

Orders of the day—continued

2 FAIR WORK (JOB SECURITY AND FAIRER BARGAINING) AMENDMENT BILL 2012 (Mr Bandt): Second reading (from 27 February 2012)

Time allotted—5 minutes.

Speech time limits —

Mr Bandt—5 minutes.

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

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

3 MS GRIERSON: To move:

That this House:

(1) notes that:
   (a) dementia is the greatest cause of disability in Australians aged 65 and over;
   (b) there are almost 280,000 Australians living with dementia and 1.2 million who provide support and care; and
   (c) every week an estimated 1,600 new cases of dementia occur, with the number expected to grow to 7,400 new cases per week by 2050, resulting in 1 million Australians living with dementia by 2050;

(2) recognises the significance of Dementia Awareness Week (21 to 28 September) in promoting and advocating the needs of those living with dementia, their families and carers;

(3) welcomes the Health Ministers' designation of dementia as the ninth National Health Priority Area; and

(4) acknowledges the ongoing contributions of Alzheimer's Australia and its State and Territory associations in supporting and advocating for those affected and leading the charge in the fight against dementia. (Notice given 11 September 2012.)

Time allotted—60 minutes.

Speech time limits —

Ms Grierson—5 minutes.

Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 12 x 5 mins]

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

4 MS HALL: To move:

That this House:

(1) notes that:
   (a) Stroke Awareness Week is 10 to 16 September 2012; and
   (b) the focus of National Stroke Week in 2012 is to encourage people to understand their stroke risk;

(2) notes with concern that:
   (a) stroke remains the second biggest killer and a leading cause of disability in Australia;
   (b) one in six people will suffer a stroke in their lifetime; and
   (c) around 60,000 people will suffer new or recurrent strokes this year;

(3) recognises that:
   (a) the risk of stroke is influenced by a number of factors beyond our control, including age, gender and family history;
   (b) there are many lifestyle risk factors that are within our control and with this knowledge we can act to reduce our risk of stroke; and
   (c) lifestyle risk factors which can be controlled include:
      (i) high blood pressure;
      (ii) high cholesterol;
      (iii) smoking cigarettes;
      (iv) poor diet and lack of exercise;
      (v) being overweight; and
      (vi) drinking too much alcohol;

(4) understands:
   (a) that every Australian needs to know their stroke risk; and
   (b) lifestyle changes can have a significant impact in reducing a person's risk of stroke;

(5) acknowledges the:
   (a) important role of families and carers of stroke victims; and
   (b) valuable work of the National Stroke Foundation; and

(6) asks all Members to raise awareness of stroke risk and the preventative actions that people can take to help reduce their risk of stroke. (Notice given 21 August 2012.)

Time allotted—30 minutes.

Speech time limits —

Ms Hall—5 minutes.

Other Members—5 minutes each.

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

The Committee determined that consideration of this matter should continue on a future day.
5 MS ROWLAND: To move:

That this House:

(1) calls on the Sudanese Government and the Sudanese People's Liberation Movement—North, to:

(a) promptly implement the Memorandum of Understanding signed with the United Nations, African Union and Arab League on allowing unrestricted humanitarian access to all areas of the Blue Nile and South Kordofan states in Sudan; and

(b) immediately conclude a ceasefire agreement;

(2) supports the involvement of an international mediation team to assist in negotiations for a ceasefire agreement;

(3) calls on:

(a) the Sudanese and South Sudanese governments to cease any support for armed rebel militias in each other's territories; and

(b) both sides to urgently work towards a final, negotiated agreement on outstanding issues arising from separation, including Abyei;

(4) notes that the International Criminal Court has issued a warrant for the arrest of Sudan's President, Omar Hassan al-Bashir, on five counts of crimes against humanity (murder, extermination, forcible transfer, torture and rape), two counts of war crimes (attacking civilians and pillaging), and three counts of genocide; and

(5) acknowledges the:

(a) contribution of the Sudanese and South Sudanese Diaspora in Australia to our economic and cultural diversity; and

(b) excellent work being undertaken by the international community in assisting the 170,000 refugees who have been displaced from Sudan's Blue Nile and South Kordofan states since late 2011. (Notice given 23 August 2012.)

Time allotted—30 minutes.

Speech time limits —

Ms Rowland—5 minutes.

Other Members—5 minutes each.

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

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

6 MS PARKE: To move:

That this House:

(1) commends the Government for its four year commitment to provide $50 million to support the global eradication of polio;

(2) notes:

(a) that in February 2012, India was removed from the list of countries where polio remains endemic, proving that eradication strategies are effective when they are fully implemented and that polio can be eradicated even in the toughest circumstances, and there has not been a single reported case of polio in India since January 2011;

(b) that polio eradication should, wherever possible, be part of routine immunisation efforts to improve population immunity for all priority, vaccine preventable childhood illnesses;

(c) that there are now only three countries in the world where polio has never been stopped, namely Afghanistan, Pakistan and Nigeria, and unless the polio program is fully funded and emergency plans are implemented as planned, polio could make a comeback in countries that are currently polio-free;

(d) estimates show that global re-infection over time could result in as many as 200,000 children per year being paralysed;

(e) that the Global Polio Eradication Initiative currently faces a funding shortfall of US$945 million for the full implementation of its 2012-13 Emergency Action Plan, and this has caused immunisation campaigns to be cancelled or scaled back in 33 countries in Africa and Asia, leaving more children vulnerable to the disease and increasing the risk of the international spread of polio; and

(f) the recent landmark resolution by the Sixty-fifth World Health Assembly declaring the completion of polio eradication, a programmatic emergency for global public health, with member states highlighting the feasibility of eradication in the near-term, while expressing concern at the ongoing funding gap threatening success; and
(3) encourages the Government to continue to support efforts to deliver a polio-free world and to encourage other countries to do likewise. (Notice given 19 June 2012.)

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

Speech time limits —
Ms Parke—10 minutes.
Next Member speaking—10 minutes.
Other Members—5 minutes each.

[Minimum number of proposed Members speaking = 2 x 10 + 1 x 5 mins]

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

3. The committee determined that the following bill be referred to the Standing Committee on Agriculture, Resources, Fisheries and Forestry:

- Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012.

4. The committee recommends that the following items of private Members’ business listed on the notice paper be voted on:

Orders of the Day—
Australian Green's policy costings (Mr Briggs)
National Landcare Week (Mr Chester)
Meniere's disease (Mr Billson).

DOCUMENTS

Presentation

Mr ALBANESE (Grayndler—Leader of the House and Minister for Infrastructure and Transport) (15:42): Documents are presented as listed in the schedule circulated to honourable members. Details of the documents will be recorded in the Votes and Proceedings and I move:

That the House take note of the following documents:

Airservices Australia Corporate plan for the period 1 July 2012 to 30 June 2017.

Department of Health and Ageing Report to Parliament on the meeting of the Pharmaceutical Industry Discussion Group (PIDG) to identify and examine potential unintended consequences of the 2010-11 Budget Measure Further Pharmaceutical Benefits Scheme (PBS) Pricing Reform Second meeting, September 2012.

Debate adjourned.

MATTERS OF PUBLIC IMPORTANCE

Education

The DEPUTY SPEAKER (Ms AE Burke) (15:42): Mr Speaker has received letters from the honourable member for Lyne, the honourable member for North Sydney and the honourable member for Petrie proposing that definite matters of public importance be submitted to the House for discussion today. As required by standing order 46(d), Mr Speaker has selected the matter which, in his opinion, is the most urgent and important; that is, that proposed by the honourable member for Lyne, namely:

The importance of education for regional and disadvantaged communities and concern about cuts in education budgets.

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

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

Mr OAKESHOTT (Lyne) (15:43): Normally everyone gets to their feet, so obviously this is a divisive topic. This is important, because for regional and disadvantaged communities education does matter. There is a great deal of concern in the mid-North Coast of New South Wales, as I know there is in many other regions of Australia, about cuts underway in the education budgets of various governments.

I do not raise this point for any party-political reason. I am not advocating one side or the other. I am advocating the education strategy that has been taking place on the
mid-North Coast over the last four years. It has been making a difference to the lives of many. It has been building resilience among many individuals who have previously faced generational disadvantage. As a consequence, this local strategy on education has been helping build the resilience of the community.

This is not to kick one political party or another. It is to try to get governments to recognise the value of education and the value of investment in education in public policy. Of all the areas not to cut first, it would be education.

Yesterday we saw New South Wales cut $1.7 billion from the New South Wales public and private education sectors. I would imagine there will be other members speak in this debate about what is going on in other states. In New South Wales we have seen announcements of $116 million cut from independent schools over four years; $201 million cut from public schools over four years; 800 TAFE teachers to go; TAFE fees to increase by 9.5 per cent thus pushing up the cost of the lower level entry courses, the certificate I or II courses, by $44; adding $150 to advanced diplomas; and, subsidies for certain TAFE courses to be scrapped.

I also understand yesterday in New South Wales that the department of education announced they will shed 600 jobs from state and regional offices, and 400 jobs are to go as a result of an online management strategy. All of this totals 1,800 department jobs cut. This is in the context not of Australia being one of the world leaders investing in education; this is all in the context of Australia being ranked 18th in the industrial world in educational investment. This will now over time, more than likely, take us further backwards.

Part of raising this issue today is to start to challenge the myth that this is somehow being done for necessary savings in various state budgets. I put it to the House that this is not about savings of a necessary nature at all. When you look at various state budgets you see that, rather than being necessary savings across the board, this is more about choice. This is more about the lack of commitment to education as a public policy area compared to other areas in state budget spends.

In New South Wales, for example, we have seen, not only in the last 12 months, but for at least the last five and possibly 10 years, an intense focus on Sydney metropolitan transport needs and the investment needs of that area of public policy alone. In this year's New South Wales state budget, supposedly the tough-love savings budget, we have seen $8 billion committed to new Sydney metropolitan transport projects. One of them, the North West Rail Link—I fully understand, is a growth corridor in the Sydney urban area—is not recognised on the Infrastructure Australia planning priority lists. It is not recognised by the New South Wales infrastructure planning needs. It runs into a bottleneck called the Sydney Harbour Bridge which only has two lines across it. So it is only adding to the congestion problems of urban transport issues in Sydney. It is being done with an allocation this year of $3 billion.

So, the choice is between $3 billion going to a questionable, highly politically motivated infrastructure request for the North West Rail Link in Sydney or the Pacific Highway completion—the one item on the New South Wales infrastructure and Infrastructure Australia needs that is said to be a priority. The second item would be not to do the education cuts that were announced yesterday. It is not a necessary savings argument at all. This is a choice argument between education needs or completing the Pacific Highway, or a highly questionable—
not on the infrastructure planning needs of New South Wales—highly politically charged $3 billion commitment to the North West Rail Link and say, 'Thanks for voting for the Liberal and National parties in New South Wales.' It is not savings—it is choice.

Mr Ruddock: The implications of that choice are that many in disadvantaged areas right across New South Wales are going to miss out on the opportunities to aspire to education or to participate in the universities that the Father of the House attended. Those opportunities will be lost to many students in New South Wales as a consequence of political promises. That is not good public policy development and that is not fairness or equity at all.

There is very clear educational data that all political and parliamentary chambers in Australia need to recognise. We are letting down the future standard of living of Australia and losing many opportunities to allow generational disadvantage to be turned into opportunities via people engaging in education and building opportunities for those individuals. The educational data is in three very clear categories.

In New South Wales a National Party education minister directly challenges opportunities and makes cuts to opportunities for regional students. The educational data says there is about a 30 per cent gap in educational outcomes for those from regional areas compared to their metropolitan cousins. Likewise lower SES communities, poorer communities, compared to their more affluent cousins have roughly a 30 per cent difference in educational outcomes. The third very clear dataset is the comparison between Aboriginal and non-Aboriginal communities with, again, roughly a 25 to 30 per cent difference in educational outcomes.

Yesterday's announcement in New South Wales does not help one zack. In fact, it makes it harder and it entrenches that gap. The choice between that lovely North West Rail Link promise, the $3 billion, or continuing to commit to building opportunity for regional New South Wales, for poorer communities and for Aboriginal students to engage in TAFE, in post school options and in vocational and tertiary education is now threatened, challenged and made more difficult by this choice that has been taken in New South Wales.

Mr Ruddock: The Father of the House continues to bang on about it being a promise. I do not question that it was a promise, but you would then have to acknowledge that part of that promise—there are cuts in education of $1.7 billion and that has implications for the standard of living in many communities right throughout New South Wales and other states where similar cuts in education have been occurring.

So this is a problem. We are trying to get agreement on a new funding model in schools. We are working in the post-Bradley environment to lift aspirations for vocational and tertiary education engagement. Early success stories are happening in that post-Bradley environment. The point of the exercise was to target those three areas—educational disadvantage, engage better,
change funding models—and put some pressure on universities. Early results are saying that is delivering. Gonski is a similar model. It is basically targeting those three areas and placing some pressure on the education system to engage better than it has done in the past. So why in New South Wales would we introduce cuts when we are trying to change the funding model, add more money and really lift education outcomes for all has me and I know many in this chamber completely stumped.

As a local member I have worked hard in making education central to the strategy of not only lifting aspiration and opportunities for the disadvantaged but also, in parallel, driving to get better employment outcomes in the local area. The Mid-North Coast now has the lowest unemployment figures in the history of the electorate of Lyne. My view is that a big part of that is that many locals have participated in three education and skills forums that are now operating in three different communities. They have been trying to be strategic by getting the highly competitive schools sector working more closely together and the schools sector and the vocational and tertiary education sectors working more closely together, and actually trying to give meaning to many of those cliched lines like 'collaboration not competition' and 'building pathways', turning them into something of a practical nature that does deliver.

We have purposely through this process targeted many people who are the first in their family to ever go to a university. On the Mid-North Coast, surprisingly to some, only 12 per cent of 25-35 year-olds have a bachelor's degree or higher. That may be a different story in seats like the one the Father of the House represents, and therefore he may not understand what on earth I am talking about when I refer to engaging disadvantaged communities through education. It is a huge challenge. To be the first in the family to walk through the door of a university is a big step, a challenging step, and a step that quite often is easily lost through something as simple as paperwork, something as simple as some of those procedures like when to put in a form, how to put in a form or who to talk to. Many in this chamber may take that sort of thing for granted because they have been through that whole tertiary education experience. Targeting first in family has been a big part of our local strategy—that lifting aspiration within individuals, within households and within communities has been a big part of that strategy.

Yesterday's announcement does not help a zack—it pushes it backwards. I am frankly astounded that it is a National Party education minister and the National Party in New South Wales that has allowed this to happen. This is supposed to be the National Party market—the regional, poor and Aboriginal sectors are all supposed to be National Party heartland; they are all mainly, by comparison, populations represented by National Party MPs at a state level. It is time for them to step up. The state National Party MPs must fight their National Party education minister in New South Wales because it is their communities who are going to be hit most by these cuts and it is the children in those communities who will miss out on their opportunities in the short and the long term.

Education matters. Everyone says that, but what are we going to do about it? We have to invest in it and fight against cuts like those that happened in New South Wales yesterday and that have occurred in the Queensland budget and in the Victorian TAFE sector. These cuts seem to be happening right across the board with too much frequency. *(Time expired)*
Mr GARRETT (Kingsford Smith—Minister for School Education, Early Childhood and Youth) (15:58): I assure the member for Lyne that this Labor government recognises the crucial importance of education in the life of the nation, particularly for those who are at school and making their way along their learning journey. I agree with him that it is a clear question of choice—whether governments are prepared to make the necessary investments to ensure that all children in all schools are educated to the greatest capacity. He is right; I do note there is a significant gap for regional students. It is one that, as a government, we are very well aware of, as we are very well aware of the challenges faced by Aboriginal and Torres Strait Islander students.

Education is the great enabler. That is something that this Labor government understands and believes in strongly, and we will do everything within our power to bring improvements in education to fruition.

It is the difference for many people between poverty and prosperity. It is a way out of disadvantage. Particularly for those living in communities away from the cities, perhaps with a lesser degree of service or opportunity, it is absolutely crucial to their capacity to be the kind of person they want to be and to have the jobs they desire for the future. And there is no question at all about the linkages that occur when we talk about education and productivity. Just by simply completing year 12, we are adding over 10 per cent to an individual's income. We can see that the jobs for highly skilled Australians are growing at a rate much greater than those for lower skilled employees. So for anyone listening to this debate, anyone concerned about the future prospects of young Australians, education is absolutely central.

I do note there are significant regional student disadvantages. We see non-metropolitan students scoring lower on the Australian Early Development Index, so that means fewer students going on to university than has been the case before; although, as the member noted, we are seeing welcome increases in parts of the country. The fact remains that in a state like New South Wales almost 35 per cent of students from metropolitan areas who complete year 12 go on to university; only slightly more than 10 per cent of students from non-metropolitan areas do. The necessity for us to make sure that we have an appropriate focus and level of support for students in remote, in rural and from disadvantaged communities is absolutely understood.

Look at what this government has already done in making sure that education sits right in the middle of our agenda and in providing the necessary reform, focus and investment nationwide. For the first time, we have a national curriculum. They said it could not be done. For the first time we have the MySchool website providing an unparalleled amount of information for parents, for communities and for teachers on how schools are travelling. The testing that is now done for the first time through NAPLAN provides an opportunity for us to get a strong sense of how our students are achieving and identifies what we as governments need to do to help them achieve better.

The quantum of funding from this Labor government has been significant—about $65 billion over a funding cycle, nearly double what was paid and invested by the previous Howard government. It is the case that the Gonski panel review found amongst other things that we now are in a period of educational decline in comparison to our international counterparts, a decline that is judged to start from around the year 2000, a decline which reflects in part the neglect on
the part of the former government to make sure that education policy and investment was being applied in appropriate measure.

We have had national partnerships on literacy and numeracy for teacher quality into low-SES communities, national partnerships that have been applied across jurisdictions, into states and across school systems—government and non-government. It is particularly important for people to understand that not only has this government provided more investment but it has made sure that that investment is shared between states so that they are able to put into practice in their schools those programs that can make a difference, and shared across systems as well, government and non-government. The fact is we have been through a period of unprecedented reform and investment in education, a reflection of this government's understanding about how crucial education will be to the prospects of the nation in the future.

Let us think for a moment about the environment we inhabit: we have skills shortages identified as a crucial issue for us; we have the Asian century as it is called under way with a number of nations to our north competing vigorously, with their education systems performing well and with additional economic and political weight; we have a globalised economy where the tempo of economic activity in our region is increasing; and we have a concomitant requirement to make sure that every young Australian has the skills they need to get the high-paying jobs of the future to be able to compete in that global environment and to set us up as a nation for future sustainable prosperity. It is the young people going to school now who are our most important national resource for the future and it is those young people that we are focused on and have been focused on ever since we came to government.

We have announced that we are willing to sit down and start working with the states on what we call, rightly, the National Plan for School Improvement. This comes on the back of the first serious look at education funding we have had in the 40 years, the Gonski panel review into funding. Mr Gonski, a Sydney businessman, with an eminent panel of educationists from across the education sectors and across the political landscape delivered to governments and to this government a report with clear findings: we are experiencing education decline and there is a growing gap among students from low socio-economic communities and others in their educational attainment. The Gonski panel recommended we ought to give consideration to a way of funding education that is based on the identified needs of students in all schools, and we have agreed to do that. We are willing to do that and we are going to do that. But everybody has a role to play. It is about choice and it is about commitment. Our choice is for the students in Australian schools now and in the future. Our commitment is to ensure they have the support they need to be the best they can be. I was pleased to see Andreas Schleicher, the ED of the OECD Education Directorate, make some welcoming comments to the way in which this government has responded to the Gonski panel. It is particularly important given that we still sit a little below the OECD average when it comes to investment in education.

So I think that any fair-minded assessment of what this government, firstly, has done; and, secondly, intends to do, would need to recognise both the level of support and investment in education, the amount of reform that has happened for the first time—reform that has involved education stakeholders, the states and the Commonwealth—and also the challenge in front of us. And that is the most important
challenge that this nation faces: how do we set ourselves up for the future, how do we make sure that every young Australian is educated to their full capacity and is able to get the jobs of the future which pay better and which contribute significantly to our national income?

We are very clear about the choices that we want to make as a government. I was pleased to be able to indicate to states that I think the loadings that were recommended by Gonski panel in relation to both low-SES and to Indigenous ought to be amended to provide additional opportunities for support for students in low-socioeconomic communities. We will potentially increase that loading from the 25 per cent quartile to the 50 per cent; and for the Indigenous loading, recognise that any Aboriginal or Torres Strait Islander kid in any school deserves a level of support, and that is what we will be proposing and putting to the states.

The member for Lyne's matter of public importance addresses not only how significant education is for regional and disadvantaged communities but also concerns about cuts in education budgets. The fact is now that, wherever we look, and wherever there is a coalition government in power, the first thing that they do is apply cuts in education and other services. In New South Wales we now have a $1.7 billion cut in education that has been put forward by the minister. The consequences and the scale of that cut are extremely significant: 600 jobs going from public education; 400 jobs from the front offices; $116 million that comes out from the non-government schools that the Leader of the Opposition believes is in his DNA to support, and that it is an injustice to support government schools—but I will let that go. But what this means, as that sector tells us, is fewer teachers, less support for disadvantaged students; and 800 jobs are to go from TAFE as well.

And we are seeing it in other states—in Victoria, stripping funding from schools to pay for things like excursions and pencils for children from low-income families; and in Queensland, cutting funding to principals and parents organisations, and to music and literacy initiatives. At the end of the day, I say to members opposite: you are judged in government and in opposition by the commitments you make to better the capacity for every Australian to do the best that they can and to have the best education made available to them.

When it comes to the question of choice, from coalition governments in states all we have seen so far is a willingness to cut education and other services. After 16 years of continuous investment in New South Wales—it has been 16 years since cuts of the magnitude that are proposed by the O'Farrell government have been in place—we hear very clearly the kind of impact that those cuts will have.

But I think, in concluding, it is important for us to join the dots. Because the fact is that we have had a commitment to education in this parliament that is significant, substantial and which we want to have endure. In order to do that, we have to look at what the Leader of the Opposition, the shadow Treasurer and the shadow minister have got on offer on education. They have on offer already identified cuts in education of $2.8 billion. The shadow minister was jumping up yesterday saying, 'There are no cuts! There are no cuts!' I simply refer him to the announcements by the leader and by the shadow Treasurer in the budget reply. They are all there; on the record.

But there is more than that. When he has been asked about whether there will be additional cuts in education, the shadow
minister has never ruled them out. When he was asked by Paul Bongiorno, he effectively conceded that that would happen. As well as that, when we were talking about the level of investment that had been a feature of New South Wales Labor governments in the past here in the House, the member for Sturt thought that this was a matter of some hilarity.

We stand at a really important point here because, if we are going to make sure that we set ourselves up for the future, everybody knows that an investment in education is absolutely necessary. If we are going to make sure that young Australians in school now are able to come through into those jobs in the future, they need the access to TAFE, they need the support within the school setting—and, if they are regional students, they need it especially. We have recognised that in our National Plan for School Improvement. We have indicated a willingness to contribute additional investment to ensure that the needs of every Australian student in education are met. It is those opposite, the Leader of the Opposition and state Liberal-National Party governments which are now, at this point in time, doing the complete opposite—sending us as a nation in the wrong direction and, as a matter of choice, applying cuts to the very things that we need to see supported in the future.

When the shadow Treasurer was asked this morning, three times, whether he would rule out cuts to education and called education 'a waste', he made perfectly clear the coalition's position on this issue—and I have made ours perfectly clear as well. (Time expired)

Mr TUDGE (Aston) (16:13): There is a lot of hypocrisy that we have to put up with in this chamber, coming from the other side of the House, but perhaps the greatest hypocrisy we have seen today has come from the member for Lyne. We heard the member for Lyne speak for 15 minutes almost exclusively on issues concerned with chambers other than this one. In front of us today, the government has proposals to implement the Gonski review—a government the member for Lyne is holding up—whose proposals would see 3,254 schools lose funding. This is the main game in front of us today, because the predominant funding which is provided from the federal government to Catholic and independent schools, and the minority funding to public schools, is in front of us now. When the government signs off on this agreement, when this parliament passes this agreement, it will lock in funding for the next four years.

What this agreement is likely to do, according to analysis done by departments of education and the independent and Catholic school sectors, is that 3,254 schools are going to lose their funding. Hundreds of schools in regional Australia are going to be targeted. Very low fee Catholic schools in my electorate are going to be targeted. For example, St Luke's School, a small Catholic school in my electorate, which charges about $1,000 in fees, is going to lose $756 per student under the proposals which the minister just said that he was keen to implement. Our Lady of Lourdes, another small Catholic school in my electorate, is due to lose $576 per student under these proposals.

According to the modelling which has been done by the independent and Catholic school sectors and the education department, in the electorate of the member for Lyne, the member who moved this motion, there are 22 schools that would lose funding under the proposals that are currently being considered by the government. Bobin Public School, for example, is going to lose $135,000 and Taree Public School is going to lose $694,000. I
would be pleased to table this list for the benefit of the member for Lyne so he can see the schools in his electorate that are potentially under threat if the government moves forward with the proposals that are in front of it today.

The front page of the Sunday Tasmanian has the headline 'Gonski hit list'—more than 80 Tasmanian Catholic and government schools would lose funding under the proposals. This is what is in front of us today, in this chamber, proposed by this government with the support of the member for Lyne. But he did not mention that once in his 15-minute address. Instead he spent his entire time talking about activities which are going on in other parliaments in this nation over which he has no control.

This analysis which has been done on the Gonski proposals talks about what would occur in year one in terms of funding cuts for those schools. But it is not just about the immediate hit that would occur to schools; there is also the medium-term hit which would occur to schools under the government's proposals. In the medium and longer term, the key issue that schools look at is the indexation rate for future funding increases. We on this side of the House have guaranteed that schools funding will increase by six per cent—year on year on year. On the other side of the chamber they have acknowledged—and the Prime Minister said this the other day—that the indexation rate would no longer apply and, in fact, a lower indexation rate would be applied going forward. This has implications for every single school across the country. The reason we are committed to a six per cent increase is that it matches what school costs have been increasing by. If there is a lower indexation rate, that means every single school across the country will have funding increases which are lower than what school cost increases are. For Catholic and independent schools, that means fees will have to go up considerably.

That is the main issue in terms of what is in front of us today on Gonski. But this is not the only time when the government has cut funding to schools or, indeed, has broken promises of funding to schools. I would like to highlight, for example, the Reward for School Improvement program, which the government promised in the lead-up to the last election. It was a program to provide between $75,000 and $100,000 to high schools that showed fantastic improvement, with year one reward payments to be provided in 2013. But we know that this program has been quietly dropped by the government. We heard from officials at Senate estimates that no longer is it going to be delivered in 2013. We heard that it would be delivered in 2015 at the earliest.

This program was a key condition of Mr Oakeshott, the member for Lyne, signing up to put the Labor Party into government. I have the agreements in front of me. On page 7, under 'Regional Education Investments', it says that at least $125 million of reward payments would be awarded to schools in regional Australia that have shown the most improvement in student outcomes. It was a key condition of the member for Lyne signing up and keeping Prime Minister Gillard in the Lodge, yet it is no longer going to be delivered. If the member for Lyne had any integrity, he would hold the government to account for that—but he has not; he has not said a damned thing.

Can I also give a bit of advice to the government, to the Labor Party, while I am here. If they are going to break an election promise, can I suggest that they take their election commitments down from their website. It is still actively displayed on their website that they are going to deliver this promise by 2013. I know that they took
down from their website their commitment to not having a carbon tax. I would suggest that, given that you are going to break this promise also, you take the Reward for School Improvement program down from your website. It is another broken promise that is not going to be delivered and, while it is on your government website, you provide false hope for schools and school communities right across the country.

Let me continue with other cuts. The Computers in Schools program, which was introduced with great fanfare by Kevin Rudd at the 2007 election, is no longer being talked about. It has quietly disappeared. It is not going to occur anymore. But we have not heard a thing from the member for Lyne or, indeed, the education minister in relation to what has happened to the Computers in Schools program. It is the same with the trade training centres program, another program that was introduced with great fanfare. It has been suspended. Maybe we should look at the 2012 budget papers, which show that, despite a promise at the 2010 election that there would be no staff cuts to the public service, 1,145 staff will be cut from the department of education.

Mr Broadbent: Hypocrites!

Mr TUDGE: They are absolute hypocrites. They come in here and talk about cuts in other jurisdictions, but they do not have the courage to talk about their own cuts. I could go on. I am sure the members after me will talk about youth allowance and about how the member for Lyne and the other Independents failed to follow up on our proposals to increase youth allowance and make it apply to more students across regional and rural areas.

It is great hypocrisy for the member for Lyne to come in here and complain about education cuts. He is helping to hold up a government that is doing exactly that. There are 3,200 schools across the country at the moment that are worried about what might happen in the future if this government continues. (Time expired)

Ms BIRD (Cunningham—Parliamentary Secretary for Higher Education and Skills) (16:23): I rise to address what is obviously a very important matter of public importance. I will go to a few of the comments made by the member for Aston. I will first draw the House's attention to the fact that, as a Victorian member, he did not once mention TAFEs in his contribution on education. Given what has happened to TAFEs in Victoria, I am not at all surprised. I very much look forward to other Victorians' contributions and their attempts to explain the drastic cuts of the Baillieu government to TAFEs in Victoria.

Mr Tudge interjecting—

Mr Tehan interjecting—

The DEPUTY SPEAKER (Hon. BC Scott): Order! The member for Wannon is disorderly by interjecting outside of his place in this chamber. He will find himself out of the chamber if he does it again.

Ms BIRD: I would point out to my colleagues on the other side that despite extreme provocation during the contribution of the member for Aston I did not once interrupt his contribution. I would appreciate a similar courtesy. I have followed with great interest other MPIs in the debate that has been occurring about the Baillieu government's cuts to TAFE in Victoria. I have noticed that, on each occasion, they have failed to get Victorians to stand up and speak on them, by and large.

Mr Broadbent interjecting—

Ms BIRD: I look forward to the member's contribution today, because it is quite clear that the $300 million cut out of TAFEs in Victoria is having an extreme and
extraordinary impact. I would take members beyond the contribution of people like TAFE Directors Australia, the TAFE unions in Victoria and the student body organisations. If their contributions are not ones that the members opposite would rely on, I might take them to comments made recently by Mr Innes Willox of the Australian Industry Group when he was addressing the National Press Club about the cuts to TAFE in Victoria. He said:

There have been significant changes made to TAFE in Victoria, for instance which have led to closures of dozens of courses at regional TAFE colleges within Victoria ... It is of significant concern to industry that we won't be able to then drive that skills pool into the future and kids in regional Australia will miss out on opportunities to gain skills and then get into the workforce.

It is clear that there is a widespread view, including from the peak industry group, that the cuts to TAFE in Victoria have been dramatic, significant and contrary not only to the interests of individuals who are seeking to get skills for the future but also to the whole drive of the national agenda of raising the skills base in this country and of the matching of people with job opportunities by creating the opportunity for them to get the skills they need.

There has been a contentious debate in this country in recent times about the use of foreign labour to fill skills shortages. One of the important issues that I would think would receive bipartisan support is that in the longer term we want to train Australians to meet the skills gap. How are we going to do that when at the same time that the federal government is putting significant new money—billions of dollars of new money—on the table for the vocational education and training sector, filling the bucket up to give young people across regional Australia a chance to match those job opportunities, state governments are pulling out the plug at the bottom? That is exactly what has happened in Victoria and it is exactly the problem that we will face as a nation if we cannot get people trained in the skills that they will need in the future.

As difficult as it is with one state perhaps going rogue—I can understand those on the other side not wanting to talk about what they were doing in Victoria; my colleague the member for Denekin, who is behind me, would know that even more effectively from his own direct experience in his electorate—now we are seeing the New South Wales government do the same thing. It is inconceivable that they did not learn the lesson from Victoria. No, Barry O'Farrell in New South Wales has now pulled funding out of TAFE as well. There are 800 jobs to go, courses to be cancelled and fees to rise. Again, more opportunities for young people in regional areas to gain the skills that they need have been dragged from underneath them.

I turn briefly, with the indulgence of the House, to my own area. The Illawarra is an important regional area. It has been very significantly affected by changes in the manufacturing base and the movement of jobs, which will require young people to get the new training and skills that they will need for the future. In the Illawarra Mercury today, the TAFE representative, Mr Terry Keeley said:

This is another broken election promise from this government.

Prior to this election they guaranteed an investment in TAFE funding and in quality teaching, and (said) they would ensure affordable access for all.

Now in a stroke of a pen, they have ensured that 800 teaching jobs will be cut over the next four years - that's 20 per cent of the workforce - which will probably mean up to 100 jobs will go at Illawarra campuses.
That is on the back of the investment in recent years by this government of significant money in TAFE institutes in my area. We have done that because we believe that vocational education and training is important and that at its base sits an effective public provider.

In my own area, for example, we have injected: at the Wollongong campus just over $2.8 million into upgrading outdated equipment there; $311,000 at Wollongong West in upgrading their equipment; at Dapto, $32,000 for upgrading lighting and power and the installation of voice over internet; $410,000 at Shellharbour campus, again for upgrading and the installation of voice over internet; and $475,000 at Yallah for photovoltaic cells, new toilet facilities, a low-height training roof and to install a hot water system. On top of that, we invested $9.8 million in the Illawarra Institute of TAFE's mechanical engineering, manufacturing and environmental technology faculties as part of providing the important skills needed for young people to get the apprenticeships and training they need.

It is all an investment that this government have made because, prior to 2007, we were very conscious of the constant warnings being made about two significant bottlenecks in the economic growth and opportunity and productivity of this nation. One was the infrastructure bottleneck. The minister for infrastructure has made the point to this House on many occasions that this Labor federal government over its term have invested more in infrastructure than anyone since Federation because we understand the importance of infrastructure.

Going along with that, there were numerous warnings to the previous Howard government about a bottleneck in skill shortages—that there were significant gaps emerging between the new job demands and skills and opportunities. We have injected an unprecedented amount not only into our schools system but also into our tertiary system, our vocational system and our higher education system.

On the back of doing all that investment, we presumed we could have national partnerships with the state governments. We presumed that they would have a commitment to the ongoing investment in our young people and in retraining workers who are in industries that are being restructured and need support to get training for new jobs. We presumed that there would be a common interest in achieving that. How wrong we were.

If there are members on the opposite side from Queensland who are going to contribute to this debate, I say to them: do not sit easy over there either. Do not sit easy if you are from Queensland. Indeed, we have seen in Queensland the skills and training workforce interim report to the state government there. What did it recommend on TAFEs? Perhaps it recommended increasing the investment because there is a growing mining industry that will need new skills in the mining sector? Perhaps it suggested that TAFEs should create more places and more opportunities for people? No, that is not what it suggested. It suggested cutting the TAFEs in half and going from 82 TAFEs to 44. Quite honestly, if that report is in any way claiming to contribute to economic growth and the development of the state then I think the government in Queensland would be well advised to throw it out before the final report comes out later this year. Those in Queensland should not rest easy thinking, 'Our TAFEs have been saved. We do not have to stand up in this place and justify our Liberal state government doing something really ridiculous in the face of a national skills
shortage. We will leave that to our colleagues in New South Wales and Victoria. They can deal with the embarrassment of their state governments ripping the bottom out of skills training.' Do not sit comfortably at all, because that is exactly what is on the agenda in Queensland as well.

This government understands that our future growth, economic development, participation and productivity—quite simply giving a chance to the next generation to compete in the new world for the new jobs—requires skills. That means investing in places like our schools and our TAFEs, not ripping—(Time expired)

Ms MARINO (Forrest—Opposition Whip) (16:33): It is very interesting to listen to the members opposite talk about giving opportunity to the next generation. This is the same group who sat here and voted for this government to rip money out of education for rural and regional students through youth allowance. I did not see you lining up and saying, 'Oh, how dreadful it is for rural and regional students,' at all. For two years you have ripped away opportunity for young people in rural and regional areas because you changed the criteria for youth allowance.

For the other side of politics and, even more hypocritically, the member for Lyne, who voted with this government for those changes, to come into this place today and talk about disadvantage for rural and regional students in education is rank hypocrisy. I sat here because it was our students who were affected by this dreadful decision by this government, supported and encouraged by the member for Lyne. I was in this chamber, as were many of the members here. I live with the families and the students that this did so much damage to. I have listened to all sorts of waffle today about disadvantage, but how many of them stood up for rural and regional students then? Not one. What rank hypocrisy.

The member for Lyne, who brought this matter of public importance today, should hang his head in shame because he voted with the government. Where is he? Where was he when this was announced? Maybe when this was announced by the government and he supported them he was hiding under the desk. Maybe that is where he is now. Maybe he is hiding under the desk because he does not want to front up in this place and say he was complicit in taking money and opportunity away from rural and regional students. There were young people in my electorate and in his electorate who were affected, and yet he supported the government in this action.

In 2009, over and over again, we brought motions and amendments into this House. What did the member for Lyne do? He supported the government and voted against those motions. He voted against us considering them. Yet he has, as I say, the utter cheek and the gall to come in here today and lecture us about opportunity. How about those young people in my electorate? I had to deal with those young people, Member for Lyne and members on the opposite side. To this day I have those young people and their families saying to me that, as a result of the Labor government cutting their opportunity to access youth allowance, their whole future has changed.

At that time, there were students who knew their families could not afford to send them to university. They could not afford to send them without the support they would get from youth allowance. But that was supported by the member for Lyne and the members opposite. They were fine at the time with ripping money away from rural and regional students and their families. They were fine with the fact that some
families, as they said to me, had to make those very tough decisions: 'Which one of our children will we allow to go to university? We can only afford to send one because of the government's changes.'

What do the member for Lyne and the members opposite say to those families now? What do the members opposite and the member for Lyne say to the people who, when these changes happened, actually changed the decisions they made about the pathways they would take in education? They knew their families could not afford to send them on to university, because they have to move, because of the extra costs and because the Labor government said, 'Equity of opportunity for you young people in rural and regional areas is not an issue that we focus on.'

I have heard this today and it really makes me cross. Two years it took. We gave the members opposite and the member for Lyne opportunity after opportunity to address this inequity. What did they do? We never heard from them. Every time we brought that type of opportunity to this place, in a motion or amendment, the members opposite were silent. It did not bother them that young people in my electorate and even in the member for Lyne's electorate did not have the opportunity to take up tertiary education. The government expected them to work two full years before they were eligible for youth allowance.

We know that there is already disadvantage in rural and regional areas. We know there are fewer students coming through the system because of the disadvantage they face in rural and regional areas. But this government made it worse, aided and abetted by the member for Lyne, who brought this matter into this place today. I am appalled by that. He should stand accountable for the actions he took during that debate, and he is not even here. As I said, he is hiding under the desk. Some of my young people did not get a chance to hide underneath the desk at a university because of the actions of the member for Lyne and the members opposite—this government. The government ripped away the opportunities. There are families affected by this constantly. It took two years to change. Then, to add insult to injury, the government include a means test for those families even now. Where is the opportunity in that?

We have to look at the issue for rural and regional families. It costs anything from $15,000 to $30,000 more a year. If you are a young person from a regional area, you have to leave home. You have to find somewhere to live. You have to pay for all of the things that young people who are able to live with their families take for granted. The other thing is that you are away from your family. You are away from your support base. You are away from the people who love and care for you and support you, particularly when you are going through a tough time, as you do, whether it is in exams, whether you have an assignment due, whether you just need to come home some days and blow off a bit of steam. You need people around you who love and care about you who are not going to respond to that. They are going to say, 'Okay, you must have had a bad day, but let's all get together and have a chat.'

That is what these young people face. They have to move away from home. They have additional costs, whether it is telephone costs to ring home to stay in touch or transport to get home. You try paying for an extra tank of fuel to get home when you are from a rural or regional area. My young people can be anything from two to three hours at least away from the university. Perhaps if they were not more than 90 minutes away then that would not be such an issue. You try driving every day. Yet that is
what this government did, with the help of
the member for Lyne.

I remember this process, but I also
remember the fact that no member opposite
stood up for their young people in this place.
I find it appalling. Now we are being
lectured, in a sense, by the member for Lyne
and the members opposite when for two
years they were quite happy to sit back and
let young people who could not qualify for
independent youth allowance either not go
on to higher education or have their dreams
completely dashed. It put so much pressure
on them.

I had mums saying in the supermarket:
'My husband and I both work. We know we
have to work to send our children to
university, but we were relying on youth
allowance. Now I have to find a second job.'
I thought the most tragic ones were those
who said to me: 'We have to choose which
one of our children we can send to
university.' I will repeat that: as a result of
that decision, supported by the member for
Lyne and the other side, parents had to
choose which child they could send to
university. I cannot get over the hypocrisy of
this debate today. As I said, there were those
who sat back and watched this happen,
because there was a group of young people
in rural and regional areas—

Mr Tehan: They knew it was wrong.

Ms Marino: I would say yes, it was
wrong.

Where were you then? Why weren't you
standing up for your young people the way
that members on this side stood up for our
young people? It took two years to drag you
kicking and screaming, until there was
enough shame. We kept at it and at it, and
we had to, because that is what it took to get
any form of an opportunity for those young
people to access youth allowance. For them,
the damage is done. They have changed their
pathway. They have not gone on to
university. That is the tragedy. It is only two
weeks ago that I met a friend of one of those
young people who said that that young
person is now almost a lost soul. I hope she
gets another opportunity, but I am appalled
at the hypocrisy. (Time expired)

Mr Husic (Chifley—Government Whip) (16:43): Parents, teachers and
students in New South Wales today have
every right to feel betrayed and duped. When
New South Wales voters went to the ballot
box in March 2011 they were never ever
presented with a policy proposal that would
say to them they would be voting for a cut of
close to $2 billion in school funding. No
parent who sends their child to a Catholic
school was told by the state government MPs
in my area that those MPs were championing
a funding cut. No parent who sends their
child to an independent school in our
electorate was told by the state member for
Londonderry, Bart Bassett, that he was going
to be secretly working on a cut to their
funding. No parent who sends their child to a
public school was told by the state member
for Riverstone, Kevin Connolly, that he was
holding a secret plan that would see funds
cut from education.

This has caused great outrage and grief in
New South Wales. The Catholic Education
Diocese of Parramatta, in their media release
'Funding cuts put State's future in jeopardy',
spell out exactly the type of feeling they
have about what is being done to them:

Executive director of schools in the Diocese of
Parramatta, Greg Whitby, said he understands
the deep level of anger in NSW school communities
and sense of betrayal by a government which has
shown a lack of understanding of what is needed
to deliver quality learning and teaching in today's
world.

'It is appalling to note that Australia already lags
behind many of the OECD countries in its
spending on education and now the O'Farrell
Government has chosen to make even more cuts to this level of expenditure,' Greg said. ‘The decision by the government not to invest in education jeopardises the very future of this state.’

That is the feeling from people at the coalface about what has happened to them.

The state government, when in opposition, never had the decency to outline their education plans. Of the nearly 70 schools in the Chifley electorate, none was forewarned about the New South Wales government's agenda to cut funds. No-one who attends TAFE was told they would have to cop a fee hike. No-one who works for the New South Wales department of education or TAFE was given advance warning that their employment would be cut short. There is a simple reason: those opposite simply do not value education. They do not respect or appreciate how it transforms lives. To those opposite, education budgets are not a chance to invest; they are an opportunity for a saving; they are a chance for a cut.

You can look at their track record in federal government. When the coalition federal government were there, they were told numerous times by the Reserve Bank of Australia that there would be an impact of capacity constraints on the economy. It was pointed out that skill shortages would throttle the economy, squeeze up inflation and have an impact on interest rates. That was the warning for the best part of the last decade. And what was their agenda? Their response to that type of warning was to fight universities. They were headlocking them to force staff onto Australian workplace agreements. That was their education priority: getting lecturers to sign individual contracts. Or, on the other hand, they were fighting state governments over vocational training funding, duplicating TAFEs by creating a system of training colleges that helped them dodge their responsibilities to properly fund vocational training in the states. That was their priority.

Labor in government has been exceptionally active in addressing the neglect that has been experienced. In Chifley, I am proud of the fact that, under the Building the Education Revolution program, the government has invested $137 million in 163 projects, benefiting nearly every single school in the electorate. Bear in mind that the BER funding is sneered at by those opposite, who deride the entire program as a waste. That has been their contribution when we have been reinvesting in schools.

There is the Schoolkids Bonus, from which 15,000 families have benefited. It is opposed by those opposite. The Schoolkids Bonus is designed to help students with their education costs. It is derided by those opposite. There are the trade training centres. Seven schools in Chifley are benefiting from three trade training centres, which are receiving $14.7 million. The schools are Evans High School, Doonside Technology High School, Loyola Senior High School, St Clair High School, St Agnes Catholic High School, St Andrews College and Tyndale Christian School. The National Secondary School Computer Fund has seen nearly 9,000 computers installed in schools across the electorate. That is what we have done.

From those opposite, we have had basically derision for any investment in education and no plans of their own. Worse still, we get a taste of where they are headed in terms of education policy. Christopher Pyne, on Q&A back in late July started warming up the public to the notion that big class sizes are not a problem: … for the last 10 years, we've been obsessed about class size and being obsessed about class size, when all the evidence suggests that when you get down to 25 students, going a lot lower than that makes no dramatic difference and, in fact, is tremendously expensive, clouds the other
issues in education like teacher quality, like parental involvement, like a robust curriculum.

So he is already getting the ground ready for the notion—as they seek to find $70 billion in cuts—that we are obsessed about class sizes and having teachers able to give quality focus and attention to students in smaller classes. While most people are trying to manage class numbers down, he is saying, 'No, you don't need to do that.'

In universities, we have already had the suggestion that they are looking to cap places and increase HECS. At UWS, that would have a dramatic effect. Bear in mind that, under us, 150,000 extra people have started attending university. At the University of Western Sydney, nearly half of the enrollees, I am proud to say, are the first person in their family who has gone to university. That is something to be proud of. Those opposite talk about capping places, increasing HECS and denying opportunity.

Let us focus on what else is on offer. At the state level, we have seen cuts of $1.7 billion for all schools, increases in TAFE fees of nearly 10 per cent, cuts to jobs in TAFE and education for cleaners, teaching assistants and support staff—2,400 public school and TAFE positions have gone. There have been cuts to the school infrastructure budget of $14.3 million this year alone. Two hundred and seventy-two schools have lost their special needs funding. At the federal level, the recipe is: no support for Gonski or the national school improvement plan, a nod and a wink for larger school sizes, capping university places, increasing HECS fees and not ruling out cuts, as part of this $70 billion push to cut government spending.

I worry about the impact not just for now but for the future. I want to read out a quote that should cause concern. It is from the front page of the Sydney Morning Herald today. In relation to the debate about what they are doing to cut funding, Pittwater MP Rob Stokes is quoted as saying:

I can't see why building the north-west rail link and keeping the [electricity] 'poles and wires' is more important than education.

The debate in New South Wales is about whether or not the spending that has been committed by the O'Farrell government to an infrastructure project is starting to eat the government spending priorities.

We have seen them drag the chain on the National Disability Insurance Scheme. We are seeing hikes in public-housing rents for the 5,000 pensioners in the electorate I represent and in other electorates as well. And, while no-one begrudges and everyone wants to see better transport in western Sydney, schoolkids should not be forced to foot the bill for it. As former Premier Nick Greiner has been apparently quoted as saying, the north-west rail project is a project that threatens to eat the government. What people want to know is: are school funds being cut to funnel a political commitment being made by the O'Farrell government? Are people losing their public-housing rents or being forced to pay more because funds are being diverted to the North West Rail Link? Are people being forced to suffer because they are not being included in the National Disability Insurance Scheme trial sites, again because money is being saved and being directed to a project of close to $30 billion in the north-west rail sector?

A suggestion was quoted in the Herald today. I see here that a friend of ours in the chamber, the member for Mitchell, Alex Hawke, was quoted as telling the Liberal Party party room that these state party education cuts would not have happened if a Liberal were in the education portfolio in New South Wales. What a slur to the National Party, but also what a convenient dodge, when a government that is led by a
Liberal and made up with a coalition, has approved these cuts and is now trying to dodge it.

As I say, for us, education is critical, because it gave us on this side of the fence so much opportunity, and it is being denied by those opposite. (Time expired)

Mr Tehan: Mr Deputy Speaker, on a point of order: I was just wondering whether the member for Chifley would table the New South Wales opposition education talking points he was—

The DEPUTY SPEAKER (Mr S Georganas): The member will resume his seat. There is no point of order.

Mr BROADBENT (McMillan) (16:54): I think the debate has gone right off the rails and is being used for base political purposes. It does not enhance the ambience of this place and certainly does not enhance the reputation of the member for Chifley—although I would never doubt the passion of the member for Cunningham for what she puts forward. So I just want to bring a bit of truth into the debate; that is all.

I just want to tell this parliament and the people that are listening to this debate the truth about what is happening, particularly in Victoria in regard to TAFE, because it has been raised by ministers and it was raised by the Prime Minister. If I am allowed to say so, the Victorian government, rather than cutting TAFE, have capped the expenditure on TAFE. They had to do it because the Labor government under Brumby and Bracks left them in the most disgraceful fiscal position since Joan Kirner left the last Labor government in exactly the same position. The Victorian government are actually spending an extra $250 million per year over the next four years on training. They are investing that in TAFE and other training facilities that will, in this case, have courses that do something amazing: they lead to jobs! They have changed the policy so that the courses that they are funding lead people into jobs.

Mr Tehan: How dare they!

Mr BROADBENT: How dare they do that! A job! The most interesting part, Mr Deputy Speaker, is that your own minister suggested to one of our ministers that it was a good idea to fund appropriate programs to put people into jobs.

If you want to know a premier of a state who has been left in a diabolical position, I name Queensland, New South Wales and Victoria, which have all been left in most difficult fiscal positions in their budgets. They come in and they have to make a change. And you want to talk about those premiers today. Why don't you talk about the people that put them in the position where the state governments have to react in such a way? If you want your pet projects up, if you want your hospitals funded properly, if you want the new roads that need to be done right across this nation, and if they are the responsibility of the states, do not allow Labor governments to destroy the financial positions of those states until they hand them over to a Liberal-National coalition to fix the problem, to introduce programs into TAFE colleges right across Victoria that will supply—what?—jobs: jobs for people. They supply more apprenticeships for apprentices, although the downturn that is creeping across the nation is affecting the opportunities for those apprentices.

You know, I reckon every member of parliament in this place is feeling that. I reckon every member of parliament in this place is getting a bit of a message about what is going on out in their communities. We are all a bit tentative at the moment because our builders' phones have stopped ringing; our electricians' phones have stopped ringing—

Mr Ewen Jones: Get a plumber.
Mr BROADBENT: Well, you can get a plumber down our way at the moment. You can get a lot of plumbers at the moment, and that is a huge change.

I am just making the point: if you are going to talk about education and you are going to talk about it seriously, why is it that the first thing that every government does, when it talks about an education crusade or these things, is start attacking teachers? It is the first thing it does. It says, ‘Oh, blame the teachers!’ I can tell you that the members that are sitting here in this room—and they come from right across Australia at the moment—know very, very, very good teachers. They know teachers that teach with a vision and with a heart and a passion for the people that they serve within their schools and their communities.

Mr Ewen Jones: I’m married to one.

Mr BROADBENT: You are married to one? I did not know that, Ewen. What the Prime Minister did not know was this: school improvement plans in Victoria have been in place for—what?—a decade and a half. We have had school improvement plans, which the Prime Minister talked about. These are tied to principal and teacher performance plans, which is what the Prime Minister was talking about, and to the whole school and individual professional development programs. Those are what the Prime Minister is talking about in her crusade. For teacher registration with the Victorian Institute of Teaching, it is compulsory. This body mandates professional development of teachers as a condition of registration.

As for delivering a common curriculum attached to standards, providing individual learning plans, reporting to parents, and adhering to standardised testing in literacy and numeracy in years 3, 5 and 7, we are already doing it. Student teachers are already spending 15 weeks in training in schools. We are already doing it. So a lot of the Prime Minister's discussions were pure rhetoric.

What we forget—and every member of parliament knows this because they come across it every time they go to a school—is that our teachers and principals spend an inordinate amount of time dealing with behavioural, social and parenting issues, which detract from teaching time, of course. And why? Why do schools provide breakfast programs? Have you heard of breakfast programs? Why do schools provide breakfast programs? Because they have to, because the kids have come to school without any food. Teachers plead for more assistance from psychologists and speech therapists, and more assistance for disability programs and to deal with attendance issues, because if you are not at school you cannot learn. So the headwinds facing Labor in its response to Gonski are considerable.

I know the member for Gippsland would like to get on. I will get off and let him come forth, but first I just want to say one thing: we are all passionate about teachers and education. We run a crusade every day in our electorates for the betterment of our children and the betterment of our schools and the opportunities that we want to give the next generation. But you cannot have rhetoric and talk and not back it up with some money on the table for students to make a success of their lives.

Ms OWENS (Parramatta) (17:01): I am very pleased to rise to speak on this matter of public importance because it is, indeed, a matter of great importance. Education is the great enabler. I, myself, came through a public housing community into very good state schools. There were many children that I went to school with who had to leave school well before their 15th birthday because their parents could not afford to keep them in school. So, while I have been
one of the lucky ones who managed to get a complete education and go on to university, I went to school with some very bright, articulate, witty and delightful children who will not have had the lives they could have had, because their educational experience was curtailed. So when we talk about education, we need to keep in mind that we are talking about perhaps the single thing, other than good parenting, which puts a child on a pathway to prosperity.

In my electorate, I have schools that carry considerable burdens. There is a delightful little primary school—which is now, since the last redistribution, just outside of my electorate—that has 150 children, and 75 of them come from African refugee camps. An extraordinary effort by that school is required to bring those children into what, in Australia, is considered quite normal, which is attending school every day and participating in education. I have schools in the south of my electorate that take the children that come out of Villawood. So they are constantly accepting new children that they have to find a way to bring into the school community. And then those children move on and new children come, so they have a continuous churn. There are schools that have extraordinary additional burdens—I use the word 'burdens', but I am not using that in any sense about the children. The children of course are not burdens; they are a delight, but they add considerably to the schools' workload because of the communities that the schools serve.

We have heard from the Leader of the Opposition over recent months—in fact, probably over recent years—on a daily basis, an extraordinary scare campaign. Every day he finds something to be outraged about, and if he cannot find something that he can actually be outraged about he makes it up, and on more days than not he makes it up. The sky will fall! The world will end! Life as we know it will be over on Sunday! You name it. If there is not something to be outraged about, if he cannot find something, he will make it up—and does.

The extraordinary thing about the announcement by the state Liberal government yesterday is that it actually is scary, and it is factual. It has been put out in the words of the New South Wales Liberal government itself. It is probably one of the scariest things we have heard in a while, this extraordinary attack on our education system through our school system and our TAFE system—an extraordinary attack. If the Leader of the Opposition wanted to go out on his scare campaign tomorrow he certainly would not have to make any of this up. We have heard really clearly what the cuts will be. In New South Wales, thanks to the state government, we are looking at 1,800 jobs cut in education, 800 TAFE positions axed, TAFE fees increased by 9.5 per cent, an overall three per cent cut in education funding, a four-year education funding freeze on all government and non-government schools in New South Wales, and the dropping of subsidies for certain TAFE courses as well—a decimation of the system that provides our young people with the best possible opportunity to build a good life.

We heard the previous speaker on this matter, the member for McMillan, talk about the pressures on the state government. He was actually talking about the Victorian government, I think, and the Queensland government, as well as that of New South Wales. There are very few governments in the world at state or federal level at the moment that are not facing revenue shortfalls relative to what they would have had a number of years ago. The global financial crisis is still working its way through the global economy. The commodities prices are currently lower than they were in Australia.
We also have the Australian dollar. There are forces at work, internationally and within our own economy, that make things tight for governments of all persuasions at the moment.

You can tell the character of a government not by what it does in the good times, because in the good times they can do lots of things—and that is great, that is terrific, in the good times. But when things get a little bit tough what you look at is what they decide to keep, because that is where their priorities are. Look at what we kept, under incredibly difficult circumstances: the biggest pension increases in 100 years; paid parental leave; increasing the tax-free threshold to $18½ thousand; the doubling of education funding, and the biggest investment in schools that we have ever seen in this country; massive increases in health, including the building of cancer centres right across this country; the National Disability Insurance Scheme; and the dental scheme. These are the things that we chose to keep, in the face of having nearly $250 billion cut off our bottom line by the global financial crisis. They are the things we chose to keep.

In contrast, look at what the state Liberal governments choose to throw away. The knife comes out for health, the knife comes out for front-line personnel across a range of sectors and the knife—remarkably, given the debate going on in this country at the moment about the future of education—comes out for the education system, our schools and our TAFEs. I say it is remarkable given the current debate because, as all of us in this House know, the federal government has in the last year undertaken a review of education. It was the biggest review in 40 years—something well overdue and something we need if we are going to position our children, our young people, for the future.

We were one of the best countries in the world when it came to education. We were actually second in reading and we have slipped to equal seventh. The average 15-year-old maths student in Australia is now more than two years behind a 15-year-old in Shanghai. We have slipped from equal fifth to equal 13th in maths. We still see Australia as a country of opportunity, but the gap now between disadvantaged students and advantaged students in reading, maths and science is more than two years. Something needs to be done about this and this government is committed to doing it.

I know that most people on the opposition benches know this is something we need to grapple with. We can argue about the details, but I know in my heart that the vast majority, if not all, of the people on the other side know that we have to do something about this. I know the opposition are in a bind. While we, as a federal parliament, are talking about lifting every school, their state colleagues are running around punching holes in the bottom of the bucket, putting a dish under it and trying to siphon off whatever money they can for other things. The opposition know that. This is as much about the politics of cost shifting as it is about anything else. It is being done in the context of a federal government which is committed to raising the standard of every school.

I understand the bind the opposition is in. We have been in opposition when there were seven state and territory Labor governments. Both sides have been in the position the opposition are now in. But the opposition know as well as we do that our education system is falling behind and that there are schools carrying extraordinary additional burdens because of children with disabilities, drug and alcohol addicted parents, low socioeconomic status, generational unemployment and poor parental English
language skills. The opposition know that we have massive amounts of work to do and that doing that work requires an increase in funding, not a decrease in funding—an increase in funding at the federal level and an increase in funding at the state level. It requires us all to get together.

I was incredibly gratified when I received the media release from Greg Whitby, who is the executive director of schools in the diocese of Parramatta. That diocese covers not only my electorate but also Greenway and it goes right out to Penrith. Mr Whitby is with the Catholic Education Office, which deals specifically with Catholic schools, the schools which last week were seriously under threat of a $24.5 million cut in funding. In his press release, Mr Whitby has made it really clear what we should all know—that this is about all schools.

Let’s not let the state governments shift the focus from one sector to another. We are talking about all schools. All schools need to be lifted and every level of government needs to get behind this. The very future of our children is at stake. We are living in a world where our northern neighbours are advancing rapidly—the Asian century. We cannot fall behind. So I am urging you all to say what is in your hearts, which is that it is time for us all to get behind education and increase the funding. (Time expired)

Mr CHESTER (Gippsland) (17:11): I commend the member for Lyne for putting forward this matter of public importance and for his ongoing interest in education. The member for Lyne and I may not always agree on policy issues, but we do have a shared passion for education. I sincerely commend his work in regional education—in ensuring that systems put in place at state and federal level do not act in ways that disadvantage regional people and do, wherever possible, support those who need a helping hand to achieve their full potential.

I do note, though, that the member for Lyne said at the outset of his contribution that he was not going to be party political. But he could not quite help himself. He got about a minute and 10 seconds into his speech before he just had to give the National Party a bit of a touch-up on the way through. So I am sure he will excuse me if I just make a little point of my own which may be interpreted as being a little bit party political. I do fear that sometimes the Independents live in a bit of a bubble. They never have to make the tough budgetary decisions. I do not think there is anyone at state level making these tough budgetary decisions right now who is enjoying that process. It is a simple fact of life that it is up to the Liberals and Nationals in Victoria, New South Wales and Queensland to clean up the mess which was left to them.

The DEPUTY SPEAKER (Mr S Georganas): Order! The time allotted for this debate has expired.

BILLS

Environment Protection and Biodiversity Conservation Amendment (Independent Expert Scientific Committee on Coal Seam Gas and Large Coal Mining Development) Bill 2012

Consideration of Senate Message

Bill returned from the Senate with amendments.

Ordered that the amendments be considered at a later hour this day.

Senate’s amendments—
(1) Clause 2, page 2 (cell at table item 2, column 2), omit the cell, substitute:
A single day to be fixed by Proclamation.
However, if the provision(s) do not commence within the period of 6 months beginning on the day this Act receives the Royal Assent, they commence on the day after the end of that period.

(2) Schedule 1, item 2, page 3 (line 29), after "resources", insert "and/or land and its use".

(3) Schedule 1, item 4, page 4 (line 30), after "qualifications", insert "or expertise".

(4) Schedule 1, item 4, page 5 (line 17), after "resources", insert "and/or land and its use".

(5) Schedule 1, item 4, page 5 (line 23), after "resources", insert "and/or land and its use".

(6) Schedule 1, item 4, page 6 (line 2), after "resources", insert "and/or land and its use".

(7) Schedule 1, item 4, page 6 (line 5), after "resources", insert "and/or land and its use".

(8) Schedule 1, item 4, page 6 (line 9), after "resources", insert "and/or land and its use".

(9) Schedule 1, item 4, page 6 (line 11), after "resources", insert "and/or land and its use".

(10) Schedule 1, item 4, page 6 (line 17), after "resources", insert "and/or land and its use".

(11) Schedule 1, item 6, page 7 (line 15), after "resources", insert ", and/or land and its use".

(12) Schedule 1, item 7, page 7 (line 20), after "resources", insert "and/or land and its use".

(13) Schedule 1, item 10, page 8 (line 8), after "resources", insert "and/or land and its use".

Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012

Second Reading

Debate resumed on the motion:

That this bill be now read a second time.

to which the following amendment was moved:

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

"whilst not declining to give the bill a second reading, the House calls on the Minister for Sustainability, Environment, Water, Population and Communities to explain:

(1) the reasons for his decision to reverse the policy that he introduced as Fisheries Minister in October 2009 which stated: "There are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels";

(2) why he effectively invited the Margiris into Australia by promoting 'large scale factory freezer vessels'; and

(3) what actions he will take to compensate the 50 Australian workers who are losing their jobs as a consequence of this legislation."

Mr EWEN JONES (Herbert) (17:13): The Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012 is a recklessly impulsive bill which allows the government to pull the rug out from under professional and recreational fishermen based on nothing. They do not need evidence; they do not need there to be a problem; they can just do it on a whim.

This bill is not about sustainable fisheries. This bill is not about world’s best practice. This bill is not about science. This bill is not about independent advice. This bill is not about good policy. This bill is all about two ministers being rolled by groups who know nothing about the practice or who have no interest in the right outcome. These ministers are beholden only to people who do not care about other Australians.

This bill seeks to greatly expand the powers of the Minister for Sustainability, Environment, Water, Population and Communities with regard to overturning fishing activities—not just with supertrawlers but with all fishing. Whether you are fishing for yellowbelly on Leslie Dam outside Warwick, chasing barra in the creeks outside Townsville or going out the front to get a coral trout, you will be at the mercy of this bill. Currently the provisions
allow the minister to place restrictions on the operations of a fishing vessel. With these changes to the Environment Protection and Biodiversity Conservation, or EPBC, Act, the minister can effectively ban fishing for up to two years without needing a reason. By adding 'social uncertainty' as a legitimate reason to ban fishing, the minister has given himself unprecedented and unlimited power over every boat around the country as well as within the country, regardless of whether it is a fishing trawler in the middle of the ocean or just a recreational fishing boat in sight of Townsville. Even freshwater anglers are under threat from this bill.

Australia has already seen what the government will do to an industry when they frantically react to external pressures, no matter whether those pressures are informed or not. We are still seeing the financial and social cost of them shutting down the live cattle exports to Indonesia in an instant. It took only a segment of a television program to make them inflict that. We will not support any legislation that gives them even greater powers to do that to other industries. My city of Townsville is a port which deals in foreign exports, so we know firsthand what has happened to that industry.

There is not even a proper indication of what the term 'uncertainty' actually means. It provides scope for the minister to stop any fishing activity without any substantive case. Even the slightest complaint will become enough of a reason for the government to shut down fishing activity. It does not matter if there is no evidence or legitimate concern behind it. How many emails from the Greens and GetUp! are required before it becomes 'social uncertainty' and we start locking out our fishermen? Is there a quantitative number that this government can give us? Is it 500, is it 1,000 or is it 10,000? Just give us the number and we will figure it out.

In question time today, the minister for the environment stated that there were amendments coming to protect the rights of recreational fishers. Well, I think that bells the cat. That he never had any concern for recreational fishers in this country in the first place is the most telling part of the story. He talks a good game but he cannot play. He continues to paper over the cracks with tissue paper. Both he and Minister Ludwig should do the honourable thing and resign. They are clearly not capable of doing the job.

This bill is not about the supertrawler. I have heard the complaints and I understand the concerns that people in Townsville have brought to my attention on this issue. But the facts are that not one extra fish will be caught. The quota has been there for over 20 years. It is just that they could not make a go of it as an industry with the current structure. This trawler is similar to a cane harvester as opposed to cutting cane by hand, or a large header instead of a sickle and hand-stitched bags of grain. We travel by plane now, as opposed to by train, because it is more efficient. That is all this is about, efficiency, and that is what the minister was talking about in 2008, 2009, on 23 August this year and as recently as last Monday.

But the company behind the Abel Tasman has jumped through the hoops put in front of it, and this government knows it. The current minister for the environment used to be the minister for fisheries, and therefore he has known about this and been supportive of it since 2008. He is on the record as supporting this. He knows that not one extra fish will be caught. The catch quota is in place, a quota set by independent professionals to make sure it is sustainable—10 per cent of the fish stock. It has been in place for ages. But the minister knows that. The Abel Tasman operators have agreed to have government monitors on board 24 hours a day. They have underwater video cameras monitoring the
nets. But the minister knows that. The trawler operators ticked all the boxes they were asked to tick, only to have the government turn around and change their mind anyway. What kind of business confidence in the Australian government does that inspire? This sends a message all over the world that we will change the rules for no reason at all, even after working together and actively supporting a venture for years. Would you sign up to do a deal in Australia which would take seven years to formalise and spend the money knowing that it could be cancelled the week before you were to start? It beggars belief that someone could do business in that way. Even so, even if you agreed that the supertrawler should be further restricted or even stopped, why should the entire fishing community be punished because of this one issue? It leaves a cloud over the whole industry.

The government like to talk a lot about science but seem to throw it out the window when it comes to protecting fishers' rights. Some of the best marine scientists in the world have been telling the government that this is sustainable, that the precautionary restrictions put in place will ensure that no harm is done, yet their reaction is to ignore the science and not just lock out the supertrawler but also give themselves the power to lock out every angler. After the way they have treated fishermen so far, I certainly would not trust them with that power.

I cannot help but start asking questions about leadership and about what this Labor government actually stands for with a bill like this. I do not want to go over, 'There will be no carbon tax under a government I lead,' and all the things that have gone through, but I say again that the government has backflipped on absolutely everything. The government does not stand for anything. In 2009, Minister Burke was calling for these types of large fishing trawlers. I quote from the *Small pelagic fishery harvest strategy*:

... there are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels.

Just three years ago, the minister thought these trawlers were a great thing and was actively inviting them here, working with the stakeholders. Then the government spent two ministerial wages have been raised. I know the Leader of the House is fond of the movie *The American President*, so I will give some advice to these two ministers from that movie. The President says he would take a good policy to the hill and, to get it passed, 'I will go door to door if I have to.' Do you follow? You have had since 2008 to get this right, to get people on board, and you now need to earn your pay. Do your job. At present, these ministers are like the parents of a screaming child who wants a lolly. They know they should not give them the lolly, but they will do anything to get some peace and quiet, so they give the screaming child a treat. And they will continue to hand out treats because they cannot face up to the hard decisions and make the sale. I will paraphrase another source of inspiration for this government, Jerry Seinfeld, in the rental car episode of *Seinfeld*: 'You see, Labor know how to take a policy position; they just don't know how to hold a policy position.' Anyone can take a position and change it, but it takes an adult to hold the position when they know they are right.
years working on bringing this trawler out, negotiating the conditions for it to be sustainable.

In all that time there was not a worry or a concern about the impact it would have. There was nothing to worry about. They had the science. They wanted this for us. How many emails was it that made this a problem? Was it the Greens or GetUp! that made the minister suddenly become a crusader against his own work? It was probably the same number it took for Minister Ludwig to spontaneously shut down the live export industry. In August, the Minister for Agriculture, Fisheries and Forestry was slamming the Greens for ignoring the science of commercial fisheries management. To quote:

... I will not allow the emotive politics of the Greens political party to run fisheries management policy in this country. We will ensure that the Australian Fisheries Management Authority is independent, that it makes independent decisions based on the science through its expert commissioners and on the facts that are presented to them.

That sounds like a reasonable statement. It is a pity he cannot back it up. That was only a month ago. It did not take long for him to embrace the so-called 'emotive politics' of his alliance partners.

It is clear that once again this is the Greens leading the way. With just one member elected to the House of Representatives, they are still the ones in charge and running the agenda. What other industries are going to be shut down, for no legitimate reason, in the name of 'social uncertainty'? This government needs to find itself a backbone and start standing up for what it believes in, instead of backflipping every time the Greens jump up and down about something.

In Townsville, this bill is not about the supertrawler; it is about the rights of fishers and the power of the government to take them away. Last month I held a forum in Townsville to discuss the changes to marine protections zones. We had recreational fishers there and we had operators of small fishing trawlers. They do the right thing. They stick to bag limits, if they can even get to them. They throw back anything that is too small. They do not want to see our waters overfished either and still they keep getting punished with more restrictions. The question they were all asking was, 'What's next? What will be next from this government? They cannot be trusted.'

Now we have seen what is next. This government is giving itself more power to lock them out from even more water and it does not even need a reason to justify doing it. Again, we are left wondering what is going to come next from this government for anglers, because every one of them is at risk from this bill. It does not matter where you are fishing. It does not matter if you are a supertrawler or you are just dropping a line for coral trout off Townsville, the government is giving itself the power to, on a hasty impulse, take that away from you. And we have seen too many times just how impulsively they can make changes that affect livelihoods.

We believe in North Queensland that fishing is a right. It is our lifestyle. It is part not just of our industries but of our lifestyle. To go out the front and have a fish, to get down to Crocodile Creek to get yourself a barra, is what life is all about. If the government wants to take that right away for no reason, we are not going to stand for it—nor are the people of North Queensland. I thank the House.

Mr HAWKE (Mitchell) (17:26): It is a privilege to follow the member next to me, the member for Herbert, as I always do in this House for some odd reason. I
permanently live in his shadow metaphorically and literally. Ewen Jones is an eloquent and articulate defender of the rights of fishers in Australia today. It is for that reason I rise to speak to oppose the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012, which is another example of massive government overreach from a government which is addicted to power. Nothing could be a better example than the Minister for Sustainability, Environment, Water, Population and Communities trying to extend the right to prohibit fishing anywhere in Commonwealth waters for two years on the basis of what is in his mind—not on rational scientific inquiry, not on what is best for the environment or human beings, but on any social uncertainty in the minister's head. That standard is what we are asking fishers, recreational and commercial, all around this country to live by.

What does Minister Burke, in his uncertain world, think is socially acceptable? If it is unacceptable to him today to take a bluefin fish in Commonwealth waters, well, that is it—too bad! For two years we will not be able to do that. That is the kind of hideous power which we find in this bill, with the sanction of government applied to it, with penalties of up to seven years, as I understand. That is why I oppose this bad legislation.

Once again, this is an example of a government that really has no coherent policy position. The attempts in question time today by the minister to explain the position were completely and utterly embarrassing and unconvincing. We have seen, as a recent development, the member for Dobell raise a series of amendments trying to do what we have been talking about—save recreational fishers from the unfettered power of the minister, who has been dictated to by a Green agenda. But those amendments do not cover sufficiently recreational fishers and, of course, they make no mention of Australian commercial fishers. There is no mention of the rights of commercial fishers. I stand up here today for commercial fishing in Australia. One of the oldest practices of the human race is to fish to feed itself. Some evolutionary scientists say it is part of the reason we have evolved the way we have—because of our ability to eat fish.

Mr Tehan: It is the cleanest.

Mr HAWKE: It is one of the cleanest food-producing industries, as the member for Wannon reminds me. Yet we have a government which wants to pander to an extreme Green agenda to say that we should not be fishing, that somehow 'fishing' is a dirty word all of a sudden. Do not just think this is hysteria in the opposition. Let us be clear about this. This position has come about because of a radical campaign by Greenpeace and the Green movement.

I always say, and this is yet another potent example that Ronald Reagan was right about his views on the environmental movement when he said—and the member for Dobell should listen to this—that the only species that the environmental movement does not care about is the human species.

He has a very good point, because 45 people will lose their jobs as a result of this decision by the government today, and that will have flow-on effects. The $15 million for Tasmania is gone. People say we are a wealthy country; but we are not so wealthy that we can afford to turn away $15 million every day in this parliament, and we are not so wealthy that we can afford to put 45 people back on the long-term unemployed queues, which is what this government has done. No number of expos from the minister for child care on government handouts and
jobs can save these 45 long-term unemployed workers.

It is a disgrace that the government has taken this stance based not on scientific inquiry or on fact but on pure political expediency on the most embarrassing scale. We have seen that in the words of the minister, Tony Burke, in his strategy in 2009, where he said:

There are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels.

He is correct about that—larger scale activity produces greater efficiencies. It is all through our economy; there is nothing wrong with it. Yet we have had a procession of government backbenchers come into this House today and recently to tell us that the scale of fishing is what is worrying them. All of a sudden they are concerned that this should be based on the science. These government backbenchers who claim, because they are reading off their talking points, that they know something about science have no idea about the science. We have some of the best-managed fisheries in the world. I am not standing here today making a claim on a scientific inquiry on the science of fishing. I do not know anything about the science of fishing, and I am prepared to say so. To those government backbenchers who say, 'We should be looking at the science,' I say: we have been looking at the science for years; we have got it; it is here. Just because it occurred to them for the first time today that there should be some science, they say, 'No, we've got to pause and look at this for two years.'

This boat was brought here by the Labor government to fish in our waters on the basis of science and on the basis of Australian government agency recommendation—including, I add, that of the honourable Michael Egan, a former Labor treasurer of New South Wales, who was appointed by this minister. That is why the boat is here. But, after all of that, to turn around because of a last-minute campaign and say no to it, after years of scientific proof and endeavour, is a hideous embarrassment. To go further and have the member for Dobell have to somehow try to save the recreational fishing industry but not succeed in his amendments is even more embarrassing. We cannot support a bill which has at its very core unlimited expansion of ministerial power without regard for any recourse or appeal for the ordinary citizen to conduct their ordinary, day-to-day business. There is nothing at all wrong with fishing, commercial or recreational. In fact, it provides a good income and a good living for many people, and it needs to be encouraged.

Under the guise of this legislation, we have this Trojan Horse of an issue being brought into the parliament to increase the power of the minister over all aspects of Commonwealth-water fishing. We have seen today the reaction of the Australian Marine Alliance:

In our view the answer is not to give the department of the environment in Canberra greater control over fisheries management but rather for the fisheries portfolio to secure a competent minister who can effectively fulfil their duties as minister for fisheries.

Amen to the Australian Marine Alliance! They go on:

As an example, if this bill passes, it will give the department of the environment in Canberra the authority to stop recreational anglers all the way down the east coast from fishing for Bluefin tuna in Commonwealth waters.

Do we think that that is hysteria? We know it is not; we know that it is the agenda of the green movement in Australia today to stop that fishing. This minister is so beholden to the Greens that that is now one step closer—and will be much closer if this legislation passes.
Martin Exel, the chair of the Commonwealth Fisheries Association says:

Industry is aware of the desire by the minister to retrospectively change the rules for the small pelagic fishery and block the operations of the Abel Tasman, but this is not the way to do things. There he is, pointing out that this is not the way to handle something like this—and it sure ain't. He goes on to say:

Responding to community issues over this single boat by damaging all Australian fishing operations, both commercial and recreational, and creating massive uncertainties in the professional fishing industry in Australia is simply not acceptable in our view.

That is the point—the government are damaging Australian interests under the guise of stopping this foreign boat that we are all supposed to be concerned about. I know that a lot of people out there are very concerned about this issue, but they need to look closely at what this government is doing in terms of expanding its powers to limit Australian fishing in Australian interests.

That is where, with a close examination, the government's agenda will be exposed. There are many ways that they could have dealt with a potential problem with the Margiris—that is, move-on powers—and all of the people have spoken from the coalition have outlined many of the things that could have been done by a competent and responsible government. Even these industry and professional bodies are using language like, 'Get a competent minister; find a person or a government that can deal with things.'

One of the Labor backbenchers I was listening to—it could have been the member for Corangamite—said, 'This boat just appeared on the horizon, and we had to do something.' What a ridiculous load of absolute rubbish! This boat did not appear on the horizon; they were invited by the minister to come here and fish. They went through every legislative and other requirement to outfit the boat, to get ready to fish. The minister knew all the way through. So did the department and so did the Commonwealth. This boat did not appear on the horizon; what it did appear on was on the political horizon of the government. Never mind the science of fisheries.

There is a good quote on this from Darwin as well. He said 'it's not the strongest of a species that survives, or the most intelligent; it's those of the species most able to adapt to change that survive'. I think the real science of all of this—why we are here today and why we have this excessive government legislation—is quite Darwinian. Basically, Kevin wanted to do over Julia, and Melissa wanted to stop the boat. So Kevin supported Melissa in stopping the boat, to get at Julia. So Joe and Tony, to save Julia, moved to stop the boat to stop Kevin from getting Melissa onboard to do over Julia. That is the science of this issue. That is the science that we are basing it on.

The DEPUTY SPEAKER (Ms Rishworth): I am going to ask the member to refer to members by their appropriate title.

Mr HAWKE: I wasn't referring to any members in particular, Madam Deputy Speaker, there.

The DEPUTY SPEAKER: You used their names.

Mr HAWKE: That was just a reference to the science behind this issue. That is what is going on here, and it is quite a disgraceful way to govern.

While that might be a light-hearted point, the serious point in all of this is that Australia is becoming a sovereign risk. People do take notice of this. There is human wreckage from the decision of the government today to put this legislation into the House—human wreckage not just from the job losses, the investment that is now gone and the sovereign risk that other
investment bodies will be looking at with Australia but also from the ongoing risk to Australians in undertaking their normal commercial and other activities.

Why would you invest in commercial fishing in Australia today with a minister and a government who are prepared, on a whim—on something called 'social uncertainty' in his legislation—to change his mind? How could you put your hard-earned capital into a fishing venture if you wanted to take a reasonable risk without any standard, objective basis for a decision to be made? And that is what we are talking about.

The provision that the government has put in here—social uncertainty—is absolutely ridiculous. The social uncertainty is coming from the government, and it is coming from the government to investors in the commercial fishing industry, which is very important and which I would like to stand up for. I oppose any provision in legislation that says that the minister's whim ought to dictate what happens in any case, particularly when you use a terms like 'social uncertainty' and you do not even make an attempt to define what the term represents. That is no way to do law; that is no way to do business. You cannot run a business and you cannot run a country on a notion like social uncertainty.

Once again we have seen from this minister and this government the live export trade debacle—the changes, the flip-flopping, the uncertainty created, the loss of half of the contracts. And now we see again the potential for great human wreckage and littering, for enormous destruction of an industry in our country, with no regard for the certainty that we need. There is a chance to come into this chamber and propose good legislation and have it looked at carefully. There is a chance for good quality amendments, like the shadow minister for the environment's amendments, to be considered. We have proposed them to improve the quality of this legislation and reduce the uncertainty.

While I may not be an expert on the science of fishing, I am an expert on the science of politics and I do understand what is going on with this legislation. I think all of Australia understands what is going on. I think people in New South Wales understood what was going on when they abandoned the Greens and the Labor Party at the recent local council elections in New South Wales. They see a government that is creating uncertainty in our economy and our society by proposing laws that massively expand the power of government, with no ethical or justifiable basis to do so, and they instinctively oppose governments that would seek to expand their powers with no legitimacy to do so.

Mr OAKESHOTT (Lyne) (17:39): I start with some concessions in this debate. Firstly, I think it is easily accepted that this is a highly contentious and emotional debate in relation not only to this big boat but to fishing generally. Recreational and commercial fishing are disputed, contentious areas. There are those who want more fish in the water versus those who want to take more fish out of the water. So I start by making that concession. Also, as someone who got none from my last three fishing trips with my kids, I also concede that big looks bad and that 18,000 tonnes of fish sounds like an awful lot. For those like me who drop a line successfully—or unsuccessfully every now and again—

Mr Husic: Tell us about the one that got away!

Mr OAKESHOTT: Yes, the one that got away! For those people, the scale of what is being debated today can seem frightening. In making those concessions, I also make a point about where I start and end in this
debate. As a former shadow fisheries minister in New South Wales, I was given some very wise advice by a director-general of fisheries. That advice was to take, wherever possible, the fish's position on most of these issues. It does sound silly at first but it is a safe policy where there is so much emotion and so much contention.

Everyone, including me and my family, want more fish—more fish for biodiversity outcomes and more fish for recreational and commercial fishing purposes. It is the common ground for all. If it is more fish that we want, it is from that perspective that I look at this legislation and the many issues wrapped up in it. I am in absolute awe of what we do not know about on our ocean floors and in our waters. If anyone needs any convincing of this, the book A Short History of Nearly Everything has a chapter on water—I think chapter 18. That is a sales pitch for the fascination for everything we do not know about on our ocean floor. It talks about everything that is still to be discovered. I certainly find that to be a compelling argument.

If we are about having more fish and more sustainable fisheries, this is a surprise piece of legislation before the parliament today. I make the point about surprise for a reason. I do believe in parliamentary processes and in appropriate time being given for legislation for all the right reasons of proper consideration. This has come as a rush job—spat out of the government party room yesterday, turned into legislation yesterday afternoon and now more than likely going to be voted on tonight. That is not the way we should do business, and for nothing other than parliamentary process reasons, there are grounds to lodge a protest vote against this legislation, regardless of how good its contents may be.

I come back to the issue of having more fish and sustainable fishing and to the content of the legislation. There is a bit of a link to the point I just made. It is pretty hard to keep up with who is amending what in this legislation. I understand that we already have a page of government amendments and that there are already Liberal-National Party amendments. I understand that my colleague from Kennedy may move an amendment, that my colleague behind me may be moving amendments and that the Greens may be moving amendments. But, again, if we are going to make a point about getting good policy through considered debate, this is not the way to do business.

For me, as I have said publicly over the last day, I am less convinced by arguments around whether it is an aircraft carrier we have got in our waters or a tinnie; it is about sustainable fisheries management and whether we have got the quota right. With the lack of time available, I have not been able to establish whether it is correct that the quota has increased tenfold, as academics from the University of Western Australia are suggesting, based on the boat coming in. And I have not been able to establish whether fisheries management has established a quota regardless of boat size or whether boat size has led to the establishment of a certain quota allocation. I would like some guidance from the minister, in wrapping up, on that direct point.

I would also like some guidance from the minister about his existing powers. We are establishing, for all the right reasons, a marine park network in Australia that Australia should be proud of. Going back to my previous point about fish, I wish these marine parks were called fish parks because that does bring everyone together. They are about getting more fish for all activities in our waters—both for biodiversity reasons and fishing reasons. That process has gone
on since the Howard years. It has gone through the whole social, economic and environmental science process—the consultation process. Those existing powers are a demonstration of the existing powers that can and should be applied in decisions by ministers about whether this big boat is too big or not. I am yet to be convinced. I would like to hear from the minister, when he wraps up this debate, why the existing powers that apply to all the social, economic and environmental processes for the establishment of marine parks in Australia are unavailable in his relationship with AFMA and for decisions around whether a boat of this size is too big and whether or not to issue a quota to it.

I would also like some direction from the minister on whether there are bigger nets in the water right now in Australia and whether some of the mythology that this is the biggest net in Australian fishing history is actually correct. There is confusion and mixed opinions on that. I would like to hear from the minister himself a very clear answer to the question: will this be the biggest net dropped in Australian waters if approved? There is strong advice suggesting it is not and that there are already, under everyone's noses, bigger nets in the water that we do not seem to be that fussed about.

I would also like to hear from the minister about the consequences of the new discretionary powers that are being built in. Regardless of this boat and this circumstance, if we are going to pass sensible laws for future decision making, these are significant discretionary powers that are being built in with a very broad definition—social, economic and environmental. You could not get much broader discretionary powers being built into the process. So I would like to hear from the minister about the scope and the boundaries of his authority in future decision making and why he himself does not see this as an investment or sovereign risk for future investments by those who do want to participate in sustainable fishing practices in Australia.

I accept that there are pitchforks and spear guns out against this big floating boat and that there is a lot of emotion wrapped up in this debate. But if we are looking for sustainable fisheries then it is not pitchforks and spear guns, nor emotion, that will make those decisions. That is why I am an advocate of establishing a Commonwealth marine park network. As I said before, marine parks are essentially fish parks for those who want to do more fishing.

I would also like to take the opportunity to address some of the mythology that is floating around. Again, if I am wrong I would like to be corrected by the minister. These nets, as I understand it, do not touch the ocean floor—they are mid-sea trawling. But I am getting plenty of emails saying we are going to rape and pillage the ocean floor. I think that is completely incorrect. Minister, please correct me if I am wrong. This is a completely different set of circumstances from those on the coast of Africa, as the minister himself indicated on Q&A two weeks ago. There are very strict restrictions around quota management in Australia. There are fisheries officers on board the boats. There are bycatch restrictions in the conditions. There are cameras in the nets themselves. I understand that the company involved is even offering to do some sort of 'move-on strategy' so they are not fishing one location too hard. The difference between what is being promoted as the rape and pillage off the coast of Africa compared to here is apples and oranges. Again, please correct me if I am wrong, Minister.

I would also like to put on record the counterintuitive points about what, on first
blush, would look to be problematic for many people. It is thought that a wider range of fishing from a bigger boat is worse. But scientific advice is that a wider range is better. So being allowed to go further offshore implies less bycatch. Most of the seabirds, all the various species that the minister has been referring to, are closer to the shore, so there is actually a greater bycatch problem with smaller vessels working close to shore. Again, please correct me if I am wrong, Minister.

It is counterintuitive, I know, but fishing for a wider range of fish, as I understand it based on marine science, means less damage to biodiversity and fish stocks. As well, the point that 'further out is worse and something to be feared' could lead to 'further out is better because there is less bycatch'.

I understand that the marine science suggests the latter, but I understand the concerns of most people and the perception that fishing further out from a bigger boat in a wider range means it is like a hoover working around the coast of Australia. I do not think that perception is correct, based on the science as far as we know.

I am more than likely not going to support this legislation. It is a bit of a moving feast, because it is happening so quickly and there are so many gaps in my knowledge about what exactly is being done and why it is being done. I do think there are existing powers that could be used to achieve a similar purpose without leaving a trail of unintended consequences resulting from having in legislation total discretion for future ministers. I would be surprised if they themselves would even want to have that discretion when decisions like this emerge in the future. But I am ultimately driven by the science question and the desire to have more fish. Those in the campaign that is trying to knock out quota management in a scientific and process-driven way should be careful about what they wish for, in that it may just do more damage to nature than we would all want. I refer to, and I ask the House to refer to, the public letter from seven of Australia’s top fisheries scientists from the Institute for Marine and Antarctic Studies, the CSIRO and the South Australian Research and Development Institute, trying to address many of the misconceptions in the media. That letter indicated on a number of fronts that the catch quota is actually very conservative and that there are a number of reasons why what is being delivered is actually sensible.

I do not like the big boat. It does not look good; it looks bad. But when we go to the safe port of the science and go to the safe port of looking for more fish, I am not sure whether this legislation actually delivers what the community sentiment wants.

Mr BRIGGS (Mayo) (17:54): I concur with much of what the member for Lyne has just contributed in this debate on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. He made a couple of worthwhile points. One of those was that we in this place should be looking to pass sensible, considered laws. How could this bill, on such a difficult and science based topic, possibly be thought sensible and considered when it has been introduced 24 hours after the Labor backbench brought it up in caucus, for some of the reasons that the member for Mitchell outlined in his contribution? The laws cannot possibly be quality. We know that, because the government has already tabled a page of amendments. We know that, because nearly every recreational fishing and commercial fishing agency is saying today
that this is absurd law. How could this possibly be in the best interests of our country? Or is it simply about covering-over a political problem that the Australian Labor Party has found itself in with its bedfellows the Australian Greens, for whom, we know, no quota is too small when it comes to this debate?

The Australian Greens, the member for Denison and some of those in the Labor Party on the Left want to shut down commercial fishing in Australia. That is the intention, ultimate aim, of what they are trying to do—make no mistake. That is the campaign that GetUp! and some of these raving left-wing groups are trying to pursue in this place. As much as we have heard the two wise men—the two government whips, the members for Hunter and Chifley—sitting in the back corner complaining about the influence of the Australian Greens recently, through newspapers and so forth, we know that what is happening is that this policy is driven purely by the Australian Greens. I suggest that those two in the back corner stop this lunacy before it goes too far.

Madam Deputy Speaker Rishworth, as you know, fishing is a huge and vital part of many of the communities in my electorate. It is economically vital to Kangaroo Island, Victor Harbor, Normanville and the Fleurieu Peninsula. It provides recreation for many thousands of people in my electorate, and, indeed, Madam Deputy Speaker, I will go so far as to say in your electorate and many other electorates in South Australia. It is a very much loved pastime of many of our constituents.

With that in mind, when this boat first appeared I had some concerns about its size and its potential impact on fish stocks. I raised with the shadow minister some issues in that respect. Thankfully, in my electorate I have many people who are very wise when it comes to these matters. First among them is Mr David Hall, who was formerly the director general of fisheries in South Australia and in the Northern Territory. He is a marine scientist by training and he runs the world's largest fish tag business, out of Victor Harbor. So he knows a fair bit about these issues. He certainly knows a bit more than the two wise whips at the back. He certainly knows more than the member for Denison, the member for Melbourne and, I dare say, the minister for the environment. While he might not be able to fish as well as I can he is certainly passionate about it. He and I have been in contact about this issue for some time. Initially, it is fair to say, David had some concerns, as many recreational and commercial fishers in my electorate have, about this boat. I will read what David sent me in an email me this morning, because I think it is instructive to this debate. He wrote:

The issue that I see with this supertrawler is not that the impact of such a wide net on non-target species of wildlife in our Southern Ocean ecosystem are unknown. This can only be found out by conducting trials. Given the boat is here anyway, they should at least enable some experimental trials so they are in a better position to assess it. No government inquiry will come up with the answer. It could well be a trawler of this size is the only economically viable means to harvest the substantial red bait and jack mackerel quota of 18,000 tonnes, and it may even have a lower bycatch than 15 smaller vessels taking the same catch, given the exclusion devices, sophisticated electronics and 24/7 monitored plans.

One thing I can say is that nothing is certain when it comes to catching, managing and assessing the state of our fisheries resource. Adaptive fishery management is a contemporary approach. This involves an understanding based on measuring the impact of fishing in real time and making the necessary fishing effort adjustments.

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One thing I can say is that nothing is certain when it comes to catching, managing and assessing the state of our fisheries resource. Adaptive fishery management is a contemporary approach. This involves an understanding based on measuring the impact of fishing in real time and making the necessary fishing effort adjustments.
The opposition to the trawler—and you should note this, Member for Hunter—has nothing to do with economic opportunism and ecological soundness. It is purely a knee-jerk response to the lack of political palatability and social acceptability of a big fishing boat. Nobody complains about small boats taking 40 tonnes per year of more vulnerable pilchards in SA waters, that were not taken 15 years ago by anyone, because they are taken by a dozen or so smaller boats across a whole year. If we enshrine social acceptability—read 'political palatability'—as a key component of the fisheries management formula, we will move towards emotive rather than science based management of our fishery resources and there will be a substantial loss of seafood production. We are seeing the influence of sociological influences now through the marine park program, which has correctly been called a giant confidence trick cooked up by the extreme left groups.

In other words, the bill before the House has nothing to do with appropriate and science based fishery management. It is purely about placating a campaign by the Greens and GetUp! We have in South Australia seen the marine park debacle that the state government has embarked upon—again, based completely outside of science—to the point where my fishermen off Cape Jervis, where the first plan was announced some 18 months ago, are going to lose some 84 per cent of their fishing areas after they told the department two years before in the consultation where their fishing areas were. They took them into their confidence, handed over their marks and then they found in the plan released by the South Australian department of the environment that those very areas were being locked out for fishing. So it is fair to say that recreational fishers and commercial fishers have lost a fair bit of trust in the processes these governments go through, particularly when it is more about the Labor Party at the state level and federal level trying to placate the mad green extreme elements in this country. That is all this bill is designed to do.

Today we have seen the Minister for Sustainability, Environment, Water, Population and Communities move a bill in this place that should frighten anyone who enjoys fishing and anyone who earns a living from fishing. He is trying to hand himself the most extreme powers the parliament has seen when it comes to the environment and fishing. He is trying to hand himself the power to ban fishing activities on a whim. It is not just me asserting that; the Australian Marine Alliance said in a release they put out today:

The more immediate concern is the bill to be debated in parliament today that has been hastily drafted by Minister Burke and that will give the minister for the environment and his department almost unfettered authority over all forms of fishing.

This legislation is not about dealing with the super trawler; it is about dealing with a Greens campaign. It is to give cover for a Greens campaign, to give the minister for the environment more power than he has ever had before and to start the process the member for Melbourne and the member for Denison really want, which is a continued crackdown on commercial and recreational fishing in Australia. That is the ultimate aim of the Greens and their fellow travellers.

This is ironic. It is ironic for the Labor government to stand in this place every day and claim that their carbon tax is all about addressing the science of climate change and that you must listen to the majority of scientists when it comes to climate change when the majority of scientists have a very firm view about Australia's fish stock management. By the way, Australia's fish stock management is the best in the world.
Our waters are well stocked with fish and well managed. You do not hear the same endorsement of the majority view of scientists when it comes to fish stock management. In fact, you hear the opposite. We have heard the opposite today and we have seen the opposite with this legislation. It has the complete opposite effect, which is that the government, rather than backing the scientific view, as they would demand people do when it comes to climate change, when it comes to fish management, have decided, 'We don't want the best science; we want to come up with our own power in legislation to override what is good, science based legislation because it is ultimately popular.'

'Top scientist slams the trawler ban' was a heading in the *Australian Financial Review* today. That scientist was Professor Colin Buxton. The article said:

"It is a sad day for Australia when a green campaign has shut down a fishery which was based on a sound scientific footing," Professor Buxton told The Australian Financial Review. "Anyone who says there is no science behind this quota is talking complete nonsense. There are 50-odd papers out there anybody can read. I understand that is politics but it is a slap in the face for the scientific community."

So let us not have any of this, 'This is about science and protecting fisheries in this country.' It is about politics. It is about ensuring that the Greens and the GetUp! campaign stops flooding electorate offices. I think what should now happen is that recreational fishers and commercial fishers should start there own campaign. Just as they did in South Australia with the marine park network that was not based on science, they should start one on this ill-conceived, rushed law that is not based on any sound scientific footing, where we are chucking out what has been very successful management of Australian fisheries over a very long period of time all for the reason that this boat seems too big. There is no scientific reason, as the member for Lyne just rightly outlined. There is no scientific basis behind it. Within a 24-hour period we are presented with legislation in this parliament which will completely overturn what has been a very successful management of Australian fisheries for a very long time.

I, like the member for Lyne, enjoy going fishing from time to time. I want to see more fish. One great thing about being in Australia is that we have great oceans and well-stocked waters—although sometimes not as well stocked as we would hope. But ultimately this is not about protecting the marine environment; this is about protecting the rear end of the Australian Labor Party. This is about making sure that the GetUp! campaign stops today and that they get back their preferences.

Again, I quote from an authoritative source who said this in recent days in the Australian Senate:

This disallowance motion is a message that the Greens political party do not support sustainable catch limits based on science. It is a message that says the Greens want fisheries managed by politics, not qualified fisheries managers. And it says that the Greens do not support the commercial operators who fish in some of the world's best managed fisheries. That message should be well understood, because I have no doubt that the same disregard for the science and management of our commercial fisheries will be extended to the legitimate pursuit of recreational fishing … I will not allow the emotive politics of the Greens political party to run fisheries management policy in this country. We will ensure that the Australian Fisheries Management Authority is independent, that it makes independent decisions based on the science through its expert commissioners and on the facts that are presented to them. They will continue to make decisions based on sound judgement to ensure that fisheries are sustainable and meet all the ecological requirements—and, moreover,
predicated on the precautionary principle so often espoused by the Greens. Why? Because AFMA will continue to apply sound policy to ensure that we will have sustainable fisheries now and into the future.

No coalition member and no-one from the crossbenches made those comments in the Australian Senate; that was Senator Joe Ludwig, the Minister for Agriculture, Fisheries and Forestry, just two days ago.

So what has happened in the last 48 hours which has made that side lose touch with its convictions on this issue that the minister for fisheries so well outlined? What has happened in the last 48 hours? Well, there has been an email campaign run through social media. It reflects on the current state of the Australian Labor Party that its policy positions can be influenced so quickly and so pathetically within a 48-hour period that its own minister for fisheries can be hung out to dry by an email campaign organised by the Greens and by GetUp!. Who will pay? The Australian fishers will pay—that is who, and for no good purpose, for no good outcome.

This is a policy based on the best scientific research in the world about the best managed fish stocks in the world. Yet GetUp! come along with a campaign that influences the Australian Labor Party, the Australian Greens come along with a campaign that influences the Australian Labor Party, the member for Denison comes along and does the same, and these people buckle. They should be ashamed. The member for Hunter, the member for Chifley and their fellow travellers are right. If they want to see what the problem with the modern Australian Labor Party is and why you are giving up to the Greens, look no further than the minister for the environment. He is pathetic. This is a pathetic piece of legislation. It cannot be amended into any decent form. It should be opposed at all forms in this House and in the Australian Senate.

**Mr CRAIG THOMSON** (Dobell) (18:09): Politics is an interesting clash of views and ideas. I sat through the member for Lyne's speech deliberately to hear and listen very carefully to what he said, because unlike many speakers on both sides he had genuine questions that he was seeking answers to and is still seeking answers to, as I understood his speech today. That is a very legitimate point to put.

I think sometimes when we come into this place, because of the way in which the modern media works, we try to dissect our arguments into black and white. There are just two positions that are put and we both argue strenuously that our side is right or their side is wrong. But 99 per cent of the time that is not right; 99 per cent of the time the issues are far more complex than that. There are points of view put by both sides, or all sides, that are worth considering and looking at. I do not think cheap political shots, when the issues are as complex as this, take the arguments any further.

I must say I thought the member for Mitchell was really stretching it when he was talking about the loss of 45 jobs when, this week, we have heard that conservative governments in Queensland and New South Wales are slashing thousands of jobs and that his own party is looking at getting rid of 20,000 public servants. I think trying to politicise it to that level really did not do his side any good service.

I share some of the concerns about this legislation and about the processes involved in this legislation. Before this legislation was spoken about, I had very little knowledge of fisheries. I am not a fisherman. I enjoy eating fish and seafood, but that is about as far as my expertise goes. That does not particularly equip me well for dealing in a very short
period of time with these issues. So I had to seek as much advice from other people as I could in looking at the legislation and seeing where we go. Because things are never black and white, there are a variety of views and a variety of ways in which issues can be dealt with.

The minister, in my experience with this piece of legislation, has been most open to discussion, to talk, to questions and also to suggestions as to where the legislation can be improved. There were two particular areas where I had concerns with this legislation. The first was the very broad definition of fishing. The Central Coast is home to both commercial fishermen and most particularly to a wide variety of recreational fishermen. We have a lot of visitors who come for recreational fishing. I raised that issue with the minister and suggested that the definition needed to be changed so that it was quite clear that in this legislation we were talking about commercial fishing activities. In my discussion with the minister I suggested that I would be looking at making amendments to that end, and that is what I intend to do. He subsequently advised me that, on reflection, the amendment that I am proposing probably also needs to be further tightened to include recreational charter vessels, to ensure that they are not caught up in this legislation either.

I am very pleased that the minister was so accommodating when I raised these genuine issues of concern with him. I am pleased that that has happened, because one of the myths that the coalition are putting out about this particular issue, which again I do not think serves their purpose, is that all the concerns about this trawler are from GetUp! and the Greens.

Quite frankly, that is not where my concerns about this came from. They are not the people that I am worried about who have been contacting me. Rather it is the hundreds of thousands of recreational fishermen. They have been contacting me saying they have real concerns about this issue.

So the first issue I wanted to make sure of was that recreational fishermen were excluded in this, so that their role was clear. Like the member for Lyne, I would have liked to have had more time so that I could have met and talked to many of the fisherfolk in my area, who know far more about this issue than I do. But, in the limited time that I had, I did seek some guidance from Scott Levi, who is an ABC journalist on the Central Coast who has a nationwide fishing show called *The Big Fish*. This is not a show that greenies and those from GetUp! would normally listen to. It is a show that recreational fishermen listen to all the time. I spoke to him about the views of recreational fishermen generally, and particularly those in my area, because he is a local himself. He said there has not been a bigger issue than this—an issue that has caused more concern than this—in the entire time that his show has been running, and recreational fishermen are very, very concerned about it.

I will come to the issue of the science in a minute, but people's views matter. We cannot just dismiss them. We cannot just say, when there are a lot of people who have a particular view and we do not agree with it and we can mount a technical argument why we think they are wrong, that their views do not matter. That is not the way democracy works. That is not the way this parliament should work. And I do not think it is the way we as members should work. We should be listening to their voices. We should be taking on board their concerns. If we have to tell them they are wrong, that may be a legitimate thing, but it is not legitimate to totally dismiss this whole group of people and say they simply do not matter. They do matter. Their views are important. We need
to listen to them. We need to see what their concerns are and see if they can be met. Mr Levi's words were: 'There is no other issue that we have covered that has had this level of response.' In my view, that cemented that this is an important issue that people beyond GetUp! and the Greens have concerns about.

Despite some of my concerns with the legislation, there are legitimate reasons why this legislation is here before the parliament. For people to say that they are not legitimate reasons is simply untrue.

The second area of concern I have is an area that many coalition members have raised. They have made some good points about their concerns with the legislation. This concern specifically goes to the section which says that the minister must not make a final declaration unless:

The Minister and the Fisheries Minister agree that there is uncertainty about the environmental, social or economic impacts of the fishing activity...

I share a concern about the very broad definitions that are there. In my view, the legislation needs to be pared back to be about environmental impacts only. Uncertainty in relation to social or economic impacts is far too broad. It lacks the definition and certainty that businesses need. We can all quite clearly understand what 'environmental' means and the environmental tests that the science may place there. My discussions with the minister in relation to this led me to conclude that he is listening to those sorts of submissions. I am hopeful that the government will look at amending the legislation in relation to these points.

Like the member for Lyne, I find there are many amendments in this bill that are sometimes hard to follow, but the minister has been very receptive to talk to anyone about these issues and let them know his views about them. He certainly had a very open mind about the issues that I have concerns with and that many in the coalition have raised concerns about. I think the legislation needs to be amended to be effective to go forward.

The great debate that we have seen here has been a contest about whether the science is in or whether the science is out and whether we can rely on what is there at the moment. Very few of us here are scientists, so we go and seek what scientists have said about the effects that this may have. The more I have read about it, the more uncertain I am as to the certainty of the science. It seems at least uncontested that the science is contested—and by other scientists. There has been work done by a variety of scientists that questions the way in which the quota system is working. There has been work done that says, 'We have not had this type of vessel here before and we are unsure of its effects and we need to look at them.' I paid particular attention to much of what the member for Mayo had to say. I of course ignored his usual political rant, but he read out a letter from one of his constituents who used to work for the fisheries department in South Australia, who, while opposing this legislation, spoke about the need perhaps for a trial. He was suggesting a live trial. Even that suggests that the proponents of the supertrawler are not clear that the science is firmly on their side yet, and that more work needs to be done.

At the end of the day, in terms of this issue, we only have one world, one ocean. We cannot make mistakes with it. If the science is in any way contested then surely we have to give the benefit of the doubt to the oceans. It may be that the science comes in, that these types of trawlers are commonplace and that we can have some confidence that they are operating in an environment that we know is not going to cause irreparable damage to the oceans, but
quite clearly that is not the position we are in at the moment. Like many decisions we have to make in this parliament, we make them on balance: what is, on balance, best? At the end of the day, on this matter I think that we have to give the benefit to the oceans. For those reasons, subject to the comments that I made about the amendment and the issues in relation to both social and economic uncertainty in the act, I intend to support the bill.

Mr BROADBENT (McMillan) (18:23): I say to the member for Dobell that a week ago there was no concern about the science. There was no confusion about the science on this issue. AFMA reaffirmed the science regarding the operations of the company on Monday. Minister Burke reaffirmed the science last week. Minister Ludwig reaffirmed the quota on 23 August, and Labor voted it in on Monday, 10 September. The quota is not reduced. Minister Burke called for the large factory freezer vessels in October 2009 when he was fisheries minister. So there was no question a week ago. Only a week ago the science was fine. I cannot understand a former minister like Simon Crean not standing up at least in his party room—I do not know whether he stood up in his party room or not—and saying: 'Look, you just can't do this. This is no way to run a country. This is no way to run the biggest business in Australia—to send a message around the world that you can't come in here and invest and do business.' But you do not want to hear from me, because I have some real, personal concerns about this, so I would like to go to somebody else.

Andrew Macintosh, Associate Director of the ANU Centre for Climate Law and Policy, writing in Crikey today—I admit that I am a subscriber, and I pay for it myself—wrote this:

One of the tragic things about environmental policy is that it tends to follow the principle of factor sparsity, or what is more generally known as the 80-20 rule—80% is for show, 20% for go. Put another way, 80% of policy is designed to do nothing more than send political signals to the electorate or make voters feel better about themselves. The remaining 20% is actually intended to change environmental outcomes. There is no better example of the 80% in action than the government's treatment of the Abel Tasman supertrawler issue.

I am using this piece out of Crikey because it gives a reasonable background of what we are on about here. It goes on:

Since the early 1990s, Commonwealth fisheries policy has largely been based on three simple principles. First, overfishing is addressed by placing caps (or quotas) on how many fish can be taken in each fishery. Second, government policy should encourage the caps to be filled at least cost—or in the most efficient way—that is, the fish should be caught in the cheapest way possible to free up resources for other uses. Third, the use of fishing gear is regulated in order to reduce by-catch, or the unintentional capture of non-commercial species.

People like me who have been around in this place since 1990 lived all these issues, especially through those years of the 90s, and that is why I mentioned Simon Crean before. The article continues:

Sitting above the fisheries regime are environmental protection laws. Under federal environmental law, all Commonwealth-managed fisheries are strategically assessed on a rolling basis. These assessments look at the environmental impacts of the management arrangements for each fishery and determine whether they are sustainable. After the completion of the assessment, if the environment minister is satisfied with the arrangements, the fishery is approved for the purpose of export and an exemption is granted to ensure individual fishers do not have to comply with project-based environmental approval requirements.

Despite the noise in the media, the proposed operations of the Abel Tasman tick all the boxes
of the fisheries and environmental regime. The fishing will occur within the quota set for the Small Pelagic Fishery. The fisheries management arrangements for this fishery have been strategically assessed by the Environment Department on four occasions: 2003, 2007, 2009 and 2012. Moreover, the introduction of the larger vessel is in keeping with the desire to improve efficiency as it will lower unit costs, and Environment Minister Tony Burke had set stringent bycatch conditions on the operation of the vessel.

This is not to say that the general management arrangements for the Small Pelagics Fishery or any other Commonwealth-managed fishery are sustainable. Several of them are overfished—

the author says—

and subject to serious bycatch and environmental degradation issues (noting that the Small Pelagics Fishery is probably among the better-managed Commonwealth fisheries). However, the operator of the Abel Tasman, Seafish, has done everything—

everything—

according to the book. Its only crime was to run into a government in a tight political spot that is looking to attract votes on the back of a populist environmental campaign.

As if to highlight the absurdity of the situation, the government is rushing through legislation today in order to give it the power to stop the Abel Tasman from fishing pending an environmental assessment, even though it already possesses this power. There are provisions in the Environment Protection and Biodiversity Conservation Act that allow Burke to call in the Abel Tasman’s proposed activities and subject them to the project-based environmental assessment and approval process. It is unclear why the government thinks it needs to duplicate these existing powers.

Minister Burke might answer that question. The article continues:

Given the way the process has unfolded, at the very least, Seafish should be offered compensation for its treatment. If it isn’t, the company is justified in asking why its losses are any different from those incurred by the fossil-fuel generators and other emissions-intensive polluters, which have been so grossly overcompensated for the effects of the carbon pricing scheme.

This is important—I might not agree with this, but I have got to read the whole article:

Beyond that, this incident shines a light toward more serious policy questions, particularly the sustainability of the current fisheries management arrangements and efficacy of the Commonwealth’s strategic assessment process.

To date, there has been only one independent analysis of the fisheries strategic assessment process. It found that the strategic assessments rarely led to material changes in fisheries practices and that its environmental achievements were modest. If there is a need for change, it is in the way these assessments are conducted and the level of transparency in environmental and fisheries regulation.

As Seafish has pleaded today, fishers need certainty in the regulatory environment in which they operate. Equally, the community is entitled to ask that its marine resources are effectively and sustainably managed, and that it is provided with the data to make these judgments.

I said I would speak about what other people say. This has been known about for nine months. I will quote again, this time from an AAP article I have here:

Seafish Tasmania director Gerry Geen says his company’s failed super-trawler venture has cost it millions, and he is embarrassed for his Dutch business partners.

The 142-metre Abel Tasman is set to be banished from Australian waters for at least two years by federal government legislation—

rushed in today—

while fisheries science is updated.

The decision comes with the boat already in Australia, having made the voyage from the Netherlands, after what Seafish says was years of negotiation with the Australian Fisheries Management Authority.
Asked what the venture had cost Seafish, a furious Mr Geen told ABC Radio in Tasmania: "Millions."

"This has been a long project," he said.

"We brought our Dutch partners over to meet with AFMA eight or nine months ago and we were assured if the vessel was an Australian vessel properly flagged it would be treated the same as every other vessel.

"We've been badly let down on that one."

Mr Geen said Tuesday's announcement by government ministers Tony Burke and Joe Ludwig had left him feeling red-faced.

"I'm responsible for bringing this Dutch company... to Australia on the basis that we had strong rules, we had laws which would be upheld and we had strong fisheries management based on science," he said.

"On that basis they and we have invested millions of dollars to do this venture and I'm bitterly disappointed and embarrassed at what the government has done."

 Asked where the decision left Seafish financially, Mr Geen said: "That's something we're going to have to look at."

The company is exploring its options, which reportedly include seeking compensation, but Environment Minister Burke has said the government is on "strong ground" because the vessel had no fish quotas assigned to it.

The ban will mean the loss of 50 jobs, for which Mr Geen said he was "sorry."

I wonder if the minister is sorry.

He did not know when or where the boat would head next.

Mr Geen said he was hopeful of speaking to politicians in a last-ditch bid to stop them supporting the government's legislation.

Here we have a businessperson who has gone outside of Australia and found a model—I do not know a lot about the issues, but I have been told that this ship is environmentally better for the catch itself. It makes sure that the catch is for human consumption and not just belted into cat food. It allows for better protection of species that it does not want to catch. It actually has cameras in the nets and cameras all over the boat. There are a whole lot of conditions put on the boat by the Australian government. The government putting on those conditions suggests they knew it was coming, and they would all have been worked on for a long time before the boat was brought out here. The boat was brought out here in good faith.

The member for Dobell talked about all the people who do have a real concern about the size of this ship and the catch it takes. I absolutely respect those people in the Australian community who have a view about this boat and, at first blush, I had a similar view, being an occasional fisher myself. But when you actually invest some time and effort into seeing what the issues actually are, you can understand why the government brought this out—because there is only one quota and there are only so many fish to be taken and, having that one quota, if you can take those fish in a more efficient manner than you otherwise would have, that is the way you would be best to go about it from a business perspective. If the business did not think this was the best way to go about fulfilling the quota that they own, that the Australian government have given them, in this fishery, they would have said, 'Well do it with our smaller trawlers here.' They would have found another way to go about it. But the best way to go about it, they felt, was to bring this trawler out, with the freezers in it, to make it a better business opportunity, better for Tasmania and better for those working on the ship. So they brought the ship out here. As the professor said, they ticked all the boxes. They jumped through every environmental hoop, until the government, in a political knee-jerk response said, 'But you can't go ahead and catch the fish that you have been brought out here to catch.' I just do not think you can run a
country in that manner, and I do not think you can send the messages that we are sending nationally, locally, and overseas on this issue.

It might surprise you that I am standing up on an issue that could cause damage politically to me and others with people who do not understand my position. But some issues that are about the nation and how we do business are extremely important. This issue is extremely important to the nation and how we do business: how we do business with the people who do business in our country, and how they are able to do business, with confidence and in good faith, with those people that they invited here from another country with the blessing of a government that has just backflipped.

Mr ALEXANDER (Bennelong) (18:36): I rise to speak on the Environment Protection and Biodiversity Conservation Amendment (Declared Fishing Activities) Bill 2012. Despite lengthy processes to determine the legislative agenda for our nation, yet again, under this government, we see a bill come from nowhere, with no consultation, no discussion, no warning and no science. Many may wonder: what would cause a government to act so rashly—what event of such national significance would cause our federal cabinet, the most senior decision makers in the country, to pause their legislative agenda to urgently rush in new laws? The answer? GetUp! took out an ad in the Australian and Greenpeace circulated a petition. This is the way policy is made under this government. This is the most blatant example yet of the green tail of the Labor-Greens alliance wagging this dog of a government.

This is history repeating itself. As the shadow minister said this morning, this is live exports on steroids. This government is developing a unique precedent for rash decisions based on questionable substance. Rather than learning from its mistakes, this government again shows a total lack of process in its decision making. Repeated examples of policy on the run continue to demonstrate that this government has lost its way. The greatest shame in this is the subsequent embarrassment for us all, with the rest of the world increasingly considering us a nation with sovereign risk.

This bill has been rushed into this place in an attempt to appease green groups such as Greenpeace and GetUp!, groups who argue very effectively from the heart. They take up issues which, on the surface, appear wholesome and can therefore drive the passions of people and get them to act—to write a letter, send an email or sign a petition. However, action at government level must be based on a consistent approach to well-thought-out policy development and implementation. This bill highlights this government's abject failure, by any reckoning, to achieve this goal.

The arrival of the Margiris has sparked an important debate on sustainable fishing practices. We manage a system with quotas and checking mechanisms to ensure the highest standards. We invite investment into our country as long as our transparent established rules are strictly followed, and we threaten strong sanctions if there is any deviation from these rules. Large investment requires long-term planned strategies. Companies like the one that runs the Margiris spend years assessing the guidelines, applying for permits and implementing changes to their practices to ensure compliance.

In this case, company directors flew from Holland to Australia nine months ago to meet with government department officials to ensure they could meet all our requirements. They would even have read
the minister's words from his 2009 Small Pelagic Fishery Harvest Strategy:

There are considerable economies of scale in the fishery and the most efficient way to fish may include large scale factory freezer vessels.

Based on this government giving them the tick of approval, the company chose to invest time and money in a process that would create jobs in Australia. But, at 11.59 pm, after the company had jumped every hurdle and complied with every law, the government changed the rules.

Such changes damage relationships and hurt investment. This was perfectly summed up by Seafish Tasmania director Gerry Geen, who this morning said he was:

... absolutely astonished that this could actually happen in Australia, bitterly disappointed. It feels like a third world country reaction to me. I think this is just unbelievable.

This truly is a repeat of the live cattle debacle, in which total chaos was created by a knee-jerk reaction of this government to a TV show, resulting in an important export industry being brought to its knees.

It even appeared during the briefing session yesterday, as with the live exports announcement, that Minister Burke had not consulted with anyone with specialist knowledge over his concerns regarding the operation of the Margiris—not with the Fisheries Research and Development Corporation, not with the Institute of Marine and Antarctic Studies, not even with individual specialist scientists. All he had had was a discussion with his department.

His concern is now about the size of the ship and the potential for the bycatch of protected species. Bycatch is a risk with every fishing vessel. The difference with the Margiris was that, with the extent of government controls being imposed and media scrutiny faced, it would have been required to have more independent observers and analysis of its catch than any other vessel. The arrival of the Margiris was not going to change the total fish catch quotas. The same number of fish will be taken out of our oceans, but now this will likely be done by a larger number of smaller vessels facing less scrutiny over their fishing practices and their bycatch. In other words, as with the live exports debacle, this announcement to placate green groups will likely result in a worse environmental outcome.

This parliament knows that the coalition supports sustainable fisheries management and sustainable fisheries practices. We oppose this legislation, which gives unlimited power to the minister on the basis of so-called social uncertainty and which creates a sovereign risk. There is no indication what the term 'uncertainty' means, providing scope for the minister to stop any fishing activity without a substantive case. All fishers should be concerned. These powers could be used against any of them and, indeed, could easily be extended to further reduce access to any natural resource. One problem should not create a bigger problem for an entire fishing community. This is policy on the run.

Only this afternoon, after the coalition had exposed the flaws in the bill, the member for Dobell put forward an amendment trying to preclude recreational fishers. The amendment, however, fails in this objective. The amendment will not help charter boat operators, who are an important part of the recreational fishing sector but are classified as commercial operations. This is a sure sign of a panicked government—relying on their fallen comrade to try to save this dodgy legislation. What other bandaid solutions are going to be implemented by this government?

This issue is no longer about the trawler; it is about how we do business in Australia.
Already 50 job losses have been announced as a direct result of this decision, and I am sure that every resource based industry is watching closely, with great concern about this legislation and the government's approach to making policy. The decision today creates sovereign risk issues for existing fishers who hold licences to fish in Australian waters. Australia's commercial fishing industry will not have the confidence to continue to invest if any quota and/or licence can be overturned at the whim of the government.

The decision today makes a mockery of the whole Australian Fisheries Management Authority process which the government relies on for its scientific advice.

This is another backflip of Olympic proportions. Just a few weeks ago, Minister Ludwig said in response to a Greens' motion that was trying to stop the Margiris:

This disallowance motion is a message that the Greens political party do not support sustainable catch limits based on science. It is a message that says the Greens want fisheries managed by politics, not qualified fisheries managers. And it says that the Greens do not support the commercial operators who fish in some of the world's best managed fisheries. That message should be well understood, because I have no doubt that the same disregard for the science and management of our commercial fisheries will be extended to the legitimate pursuit of recreational fishing.

As minister for fisheries, I will not allow the emotive politics of the Greens political party to run fisheries management policy in this country. We will ensure that the Australian Fisheries Management Authority is independent, that it makes independent decisions based on the science through its expert commissioners and on the facts that are presented to them. They will continue to make decisions based on sound judgement to ensure that fisheries are sustainable and meet all the ecological requirements—and, moreover, predicated on the precautionary principle so often espoused by the Greens. Why? Because AFMA will continue to apply sound policy to ensure that we will have sustainable fisheries now and into the future. For those reasons, the government opposes this motion.

Yet here we are debating legislation that is just another tool for the Greens and environmental groups to use to campaign against our fishing industry.

Minister Burke's concerns were based on the capacity of the vessel to fish in one place for a considerable time. The solution to that problem could have been to amend the Fisheries Act to allow for 'move-on' provisions or spatial management that would prevent localised impacts. The coalition would have supported those moves. Minister Burke is saying, 'If you don't know everything, do nothing.' He is not trying to find a way to make it work; he has been desperately looking for some way to lock up more water. He has trashed the reputation of the AFMA Commission—and he appointed every member of that commission! He has also trashed the reputations of our world-leading scientific community and institutions that have performed the science to develop the existing best practice. This government has demonstrated that, if you do everything asked of you, and then some, it is not enough; it will shaft you, your business and your employees. How can any business operate in an environment such as that? This government now operates on the basis that if a minister is 'uncertain' then nothing should happen. Worse still, this minister did not take steps to find the answers to the things he was uncertain about; he just shut the business down. What message does this give to our researchers and innovators? 'Don't explore. Your science means nothing.'

I would like to conclude with a quote from the Parliamentary Secretary for Agriculture, Fisheries and Forestry, who wrote on this issue in the Advocate just last month:
Sometimes you've got to stick with what you believe is right when popular opinion might not agree. …

You have faith in your institutions and you demand they be accountable, but if through anecdotal or sheer populist sentiment you push your institutions aside, what hope have you got?

The Australian people expect and deserve a consistent, well-thought-out approach to government. Yet again we see that this government has failed to deliver on that most basic of expectations.

Mr LAMING (Bowman) (18:48): I am yet another coalition contributor to a debate on a bill that we think is a fundamental threat to the sovereign risk confidence that we hold in Australia, and it is no better exemplified than by this last-minute decision by the Minister for Sustainability, Environment, Water, Population and Communities, who for a long time has had all the evidence in his hands to solve the Margiris issue. Instead, he has made a last-minute decision that we think compromises confidence in the way Australia makes important economic decisions.

As the member for the Queensland seat of Bowman I come from a fishing region. In fact, a great proportion of Brisbane and South-East Queensland fishers with registered fishing vehicles use my electorate to access Moreton Bay, the most densely recreationally fished area on the Australian coastline. So I have a connection to a series of anti-Labor fishing campaigns dating back to when I first came into politics, in 2004. I know what fishers want. Predominantly, they want sustainable fisheries. Predominantly, they do not want interference from government. Predominantly, they know that, with bag limits, size limits, common sense and support from fisheries officials, we can have sustainable fisheries right around the Australian coast and we can continue to have a wonderful pastime that every Australian can enjoy affordably. So I care about fishing and I have been plenty of campaigns to secure their rights.

This episode with the Margiris in the southern oceans of Australia sets us on a completely new path. This is the way Australia considers and respects the role of commercial fishing! The Margiris has been not so much courted as negotiated down to Australia since 2009 under the current government, and there are plenty of quotes from the environment minister on that matter that are already on the record. What we are seeing today, with this panicked backflip from federal Labor, is a classic example of leaving the bride at the altar. On the way to the wedding, you abandon the vessel—and those who own and run her—for political expediency. And this has been a long time coming.

Environment Minister Burke has courted this vessel every step of the way, on the one hand not only encouraging but also clearing the way legislatively for larger-scale freezer vessels in Australian waters while on the other hand—speaking out of the other side of his mouth—sending a populist message to GetUp! and green dominated groups, their blogs and campaigns, to stop this vessel. Ultimately, these two false messages had to intersect, and that happened this week. It was this week that the environment minister, for all his bluff, for all his feigned compassion for the environment, finally chickened out and abandoned the vessel, leaving the Australian people to pay the bill through legal action with, potentially, enormous costs.

AFMA is a respected and expert body, led by no less than a respected former Labor individual. To reject the evidence that has been coming from that body is tantamount to saying we do not need expert bodies at all. Nobody said that you must take the advice of
an expert body, but what is the point of a minister who continues to take the information from this body and fails to ask the key questions that could be the basis of a refusal, only to make a panicked, public-campaign-driven decision to tell this vessel to go away, to tell it to turn around and go home? It is not based on science. As one of the few former scientists in this chamber, I am always looking for evidence based approaches.

There is plenty of evidence. The claim by the Minister for Sustainability, Environment, Water, Population and Communities that we do not have the evidence is a sham. The idea that you can simply say to a vessel, 'Go away for two years, don't do any fishing and in the meantime we'll get evidence about the impact of a large-scale freezer vessel,' is patently ridiculous. The only way you get the evidence is to invite the vessel down under very strict supervision and monitoring, allow them to fish and then collect the evidence. This is akin to saying, 'We have a brand-new medicine but we're not going to use it for two years until we get more evidence.'

There is no such thing as animal studies in fishing. You either fish or you do not. If you want evidence on large-scale freezer vessels, you allow them to fish, you monitor them carefully and you make a decision as you go. I want to apologise—on behalf of this side of the chamber and on behalf of Australians who expect to have a minister with a bit of rigor, some guts and a bit of foresight, a minister who is able to avoid panicked decisions like those we have seen this week—to Dr James Findlay, who is the CEO of AFMA, Mr Richard Stevens, Mr Ian Cartwright, Dr John Glaister, Ms Jennifer Goddard, Ms Elizabeth Montano, Ms Denise North and Professor Keith Sainsbury. You have given your time to provide this country with the expert evidence we need to make a decision, doing it as recently as last week, and your minister has abandoned you.

The minister does not have to take the advice of every expert committee—I am not saying that. What I am saying is that, if this minister has a problem, he should stop speaking out of one side of his mouth about having a concern while not actually listening to the evidence. There are a number elements to this. There is, of course, a global issue here about the way Australia is regarded as a trustworthy broker of sea fishing in the international community. That has been severely damaged today. As commentators in the public domain have said, we are like a Third World country.

Below that global element is the political. If you squeeze this Gillard Labor government with a bit of public pressure and then stand back, you can see what pops out. You just never know what is going to happen with this government. You can worry as much as you want about the borders but you have no idea what will come out until you exert a bit of pressure and then watch them panic and respond to the public pressure. This is a classic example where you want a minister to hold firm. The Tasmanian member on the other side of the chamber said just that—stand firm in the face of public opinion because you know, while many of your constituents may not agree, that it is fundamentally right.

How many times has it been said? The quota will not change. We simply have a boat with larger displacement, a longer beam and a greater depth doing the fishing. It is not more dangerous just because the ship is longer or deeper or has a greater displacement. That has been completely abandoned by this minister, who is frightened of nothing less than the size of the craft. There is mid-level trawling to minimise bycatch. We know that barracuda
and spotted warehou are the two most likely bycatch. There are very careful excluders for sea lions and dolphins. There is camera monitoring of what this vessel does and there is monitoring on board. That is about as much as you can ask for if you are serious about collecting the evidence.

Finally, you have the community expectation. To everyone in my electorate and to the many people who live in coalition electorates—because Labor electorates have given up on this lot—who are concerned about a great big ship coming over the horizon and destroying the environment, I want to say that not a single extra fish will be taken. The quota will be the same. With this vessel departing, the monitoring will be poorer, and there will be more fishermen doing it less efficiently, more dangerously and at greater cost. But what has this government and this minister done? They have simply turned the vessel around and exposed this great country and its taxpayers to paying for potential costs in the courts. They have abandoned Australian people and left them to pay the bill. It is a familiar story—the government cannot make a decision for itself and we end up paying the price down the line.

What we have here is an attack on sovereign risk, an attack on common sense and an attack on the science. There is nothing more that Australians can ask for than a science-based approach to fishing. Everywhere around our coastline we want monitoring to make sure that marine zones are sustainable. Everywhere around the coast we want to make sure that fishermen can engage in the long loved and enjoyed activity of fishing. We have worked so hard to make sure that a large-scale freezer vessel can work its trade in our waters. All of this evidence has been collected, considered, evaluated and presented, only to have the minister chicken out at the last minute.

There is a word for acts like this by the minister but it cannot be repeated in this chamber. There is a word for ministers who make a hasty, panicked decision—it is simply a big Gillard government backflip. And haven't we seen plenty of those. I do not need to venture into those areas. They are legion. You can travel in any part of the world and people will say, 'You have that Gillard government, which promised one thing before an election and something completely contrary happened after.' That will be the political obituary of the Gillard administration. That will be what they will be remembered for.

When it comes to the environment, to something that every Australian should and does care about, we have seen a government and a minister who have made a significant misstep and a significant miscalculation. It is a Labor government that got populist at just the time when Australia did not need it. This will not be forgotten quickly. Those on the other side should not think that there is a quick, cheap vote in stopping this large-scale freezer vessel at the last possible moment without giving it a fair and reasonable chance to minimise its own damages and expenses. There was no science that needed to be collected in the last few weeks; there was just a tough decision that needed to be made. It was a tough decision that never came from this minister as he faffed around in his environmental office, talked to his staffers and pretended to consult, with nothing actually ever happening.

But you know what? Ultimately we reached that Churchillian moment of consequences. Eventually, there was one message to the Greens and GetUp! and another one to industry, and they just could not pull it together; it just became too hard for this minister.
The minister has abandoned our global reputation. Minister Burke has abandoned politically those who have trusted that Labor would do the right thing, by balancing environment and industry for a sustainable fishery. They have abandoned that, with this ridiculous EPBCA amendment calling on social concerns, whatever that means. Whatever that ridiculous phrase means, it means that he wants an out. But that is what he will not have, because we will stop this amendment.

Debate interrupted.

ADJOURNMENT

The DEPUTY SPEAKER (Ms AE Burke) (19:00): Order! It being 7 pm, I propose the question:

That the House do now adjourn.

Canning Electorate: Mediterranean Fruit Fly

Mr RANDALL (Canning) (19:00): I rise this evening to discuss an issue in my electorate which is also faced right across Australia—the Mediterranean fruit fly, or medfly. If left unchecked this harmful pest has the potential to inflict significant damage on Australia's fruit industry, and this is an issue that now has a heightened sense of urgency. Yesterday the Australian Pesticide and Veterinary Medicines Authority released their assessment for the chemical fenthion, the last remaining effective chemical that Australian fruit growers have at their disposal to control this fruit fly. The banning of fenthion was set in motion yesterday when the APVMA announced that it was moving to ban fenthion, in the same way that it banned the other effective fruit fly control chemical, dimethoate, in 2011.

One by one, effective control measures for fruit fly are being taken away from fruit growers in Australia. Any farming in Australia has become a tough business. The last thing that farmers want or need is further interference by our Commonwealth departments making it harder to control vermin on their properties. The APVMA yesterday handed down their decision to ban fenthion, and this will be a massive blow to growers in Western Australia—particularly those around the Perth Hills area, where fruit fly numbers are particularly high.

It has to be mentioned that fenthion is not a chemical that is causing significant grief throughout the community. In somewhat typical form, a government department has found that in large doses the chemical could be harmful. In fact, members of the Dimethoate and Fenthion Response Coordination Committee are being told that it is safe to eat any fruit and vegetables currently available in supermarkets. This demonstrates the fact that the concerns around fenthion are based on a worst-case scenario and not based on a danger currently posed by fruit that has been treated with fenthion. In other words, the fruit available on shelves today is deemed fine to consume, but, based on the concept that fenthion may be harmful to you in large doses, farmers can no longer use this most effective treatment.

To date there have been no reported incidents of Australians being harmed by ingesting fruit treated with fenthion. The better-safe-than-sorry approach may appease the hand wringers and nail biters among us. However, I wonder if consideration has been given to the long-term effects that such a decision will have on the Australian fruit-growing industry. Yesterday's move by the APVMA has left those growers in the Perth Hills in a terrible predicament. Growers already struggle to bring the fruit fly populations under control—and this is when fenthion remains available. Once this weapon is taken away, it is anyone's guess as to how growers will handle the looming threat of fruit fly epidemics. In WA, as the
Dimethoate and Fenthion Response Coordination Committee acknowledges:

Medfly is a very serious production issue and many growers do not see a future without dimethoate and fenthion.

Currently there are talks underway between growers, state departments and lobby groups to come up with some kind of solution beyond fenthion to control medfly. This is a frustrating process for growers, given that they have not been presented with clear evidence as to why fenthion is so dangerous. In fact, the only justification seems to be that the chemical has been banned elsewhere in the world so Australia should follow suit. Nevertheless, it has become clear that reversing or opposing APVMA's decision is not something Minister Ludwig would be willing to consider. One wonders how Minister Ludwig can remain as Australia's Minister for Agriculture, Fisheries and Forestry given the disgust his name engenders amongst farmers and other primary producers. The infamous debacle surrounding the live export trade suspension demonstrated both his disregard for and lack of basic understanding of those whose livelihoods are derived from farming. Minister Ludwig's history as a minister leaves growers in my area with little confidence that he will oversee a suitable replacement for the control of fruit fly once fenthion is gone.

Options being suggested to local fruit growers include increasing baiting and orchard hygiene. This is essentially telling growers to go and pick up dead fruit from the ground, keep grass levels below the trees to a minimum and setting up more baited traps to catch fruit fly. This is good and fine; however, orchardists are already employing these measures. Furthermore, suggesting that growers pick up fruit from the ground is comparable to telling a wheat farmer to try to eradicate Paterson's curse by walking to paddocks and picking it up by hand rather than spraying effective chemicals.

One option that may be a saviour to growers in Perth is the sterile fruit fly program. Essentially this involves releasing sterile male medflies into areas susceptible to high fruit fly populations. This may be a viable weapon in controlling fruit fly; however, investment is required to increase the program. Furthermore, we have an anomalous situation in Western Australia whereby we actually breed the sterile fruit fly in our state yet export the sterile progeny to South Australia, which is then used in their fruit fly eradication program. (Time expired)

Dunn, Harry

Hunter Electorate: Local Government Elections

Mr FITZGIBBON (Hunter—Chief Government Whip) (19:05): The town of Singleton in my electorate is in mourning. Very tragically, on Monday afternoon a horror crash occurred involving a prime mover and a school bus. As a consequence, one nine-year-old is dead, and many other children, including his brother, are injured. Young Harry Dunn was thrown from the bus on impact; he did not stand a chance. His seven-year-old brother, Luke, and another student remain in John Hunter Hospital with quite serious injuries.

Stories which have emerged from the incident paint a picture of mayhem, as kids screamed and parents who were within earshot of the accident ran to the scene. It is hard to imagine the pain and distress felt by those parents approaching that intersection. It is hard to imagine the pain of the drivers involved. It is even harder to imagine the pain of Dean and Sarah Dunn, the parents of nine-year-old Harry and seven-year-old Luke. There could be no greater source of grief than the loss of a young child. The pain...
and sorrow is impossible for us to comprehend. Indeed, the whole tragedy is difficult to comprehend.

Singleton is a relatively small town. Those who are not directly affected will be in the minority; the affected will include family friends, schoolteachers, the parents or relatives of fellow students and maybe a sporting coach. They could be a resident living near the scene of the accident—maybe one of those who desperately tried to help the injured schoolchildren. They might be someone who regularly served the boys or their fellow students in a shop. It is just so tragic.

The Principal of St Catherine's Catholic College, Brian Lacey, said that, understandably, the school community was struggling to deal with the tragedy and that counsellors have been called in to help people deal with their grief. He described Harry as an outstanding young boy who always had a smile on his face. St Catherine's is a great school full of great people. I have no doubt that Dean and Sarah Dunn and other family members are receiving plenty of support. Indeed, support from the broader community has been overwhelming. People are flocking to the scene of the accident to lay floral tributes.

Understandably, questions are being asked about the safety of the intersection on which the tragedy occurred. So too are questions rightly being asked about the absence of seatbelts on our school buses. Maybe this week is not the time for a debate, but very soon there will be one about both issues. It makes no sense that people are regularly fined for not wearing a seatbelt in their vehicles and yet we throw our kids on a bus without one. That should surely change.

Singleton is not just a town, it is a community—a strong community. Like those in every country town, its people will rally in support of the Dunns and every family which had children on that bus. My deepest sympathies go to everyone involved. This is one of the saddest speeches I have made in this place. I hope I never need to make another like it.

While speaking of Singleton, I take this opportunity to congratulate Councillor John Martin, who on Saturday was elected the town's new mayor. He has immediate challenges ahead, obviously. I also acknowledge the outgoing mayor, Sue Moore, who I believe did a great job and will continue to serve on the council with great energy and commitment. Having mentioned John and Sue, I should also congratulate Bob Pynsent and Peter Blackmore, who were elected and re-elected in Cessnock and Maitland respectively, and Martin Rush and Des Kennedy, who were returned to the Muswellbrook and Mid Western councils and will almost surely be re-elected mayor by their fellow elected representatives.

In the Upper Hunter Shire, former mayor Lee Watts was re-elected to the council but it appears unclear who will be the mayor. But I pay tribute to Lee's time as the shire's leader. I understand the new mayor could be, amongst candidates, Michael Johnson, who will contest me as the National Party candidate at the next federal election. He was a former mayor of the shire and I am very happy to acknowledge him. I wish everyone on the council the best. I congratulate all those who contested the elections, both the winners and the unsuccessful. Their decision to put themselves forward for service to their local communities is admirable and is appreciated. As someone who served for eight years in local government—and I know that there are many in this place who have done the same; I notice Mr Secker acknowledging that—I can say that it is an admirable cause. It is a cause and a job often without reward—or at least little reward—
but it is a great opportunity to do something for your local community. Again, I thank all those who put themselves forward last Saturday.

**Dental Health**

Mr JOHN COBB (Calare) (19:10): I rise to speak about the latest failure of this Labor government: its disastrous plans for a new dental health scheme at some stage in the future. This announcement is essentially about scrapping a perfectly good system that works—introduced by the previous, coalition government—and replacing it with one that has no proof of succeeding and, incredibly, with no evidence of how it will be funded.

This dysfunctional government has a bizarre obsession with changing coalition policies and systems—policies and systems that worked and worked well—and replacing them with policies and systems that do not work. You would have thought that those opposite would have learnt from their disasters with their asylum seeker policies not to change systems that work. The previous coalition government implemented offshore processing and temporary protection visas to prevent people paying enormous sums of money to criminal people smugglers and getting on leaky boats to get to Australia. And the boats stopped. Labor came into power, scrapped temporary protection visas and shut down offshore processing. Five years later, 1,000 people have perished at sea, while thousands more sit in crowded detention centres while their asylum bids are being processed.

This week I received a phone call from a very concerned pensioner in my electorate. Ted, from the Bathurst area, had been chatting with his neighbours about Labor's dental scheme. Notably, they were all outraged by this government's plans. Ted decided to make their voices known and give me a call. Ted has recently had some expensive dental work done, which he says cost him more than $2,000. That is a lot of money for anyone—particularly a pensioner. But, according to Ted, it was not so bad, because he got money back from Medicare; namely, the Medicare Chronic Disease Dental Scheme, which we introduced. It is a very successful scheme, introduced by the coalition when the Leader of the Opposition was Minister for Health, which has provided more than $4,000 in Medicare dental benefits over two years for eligible patients, like Ted, with a chronic dental health condition.

Over 17 million services have been provided to approximately one million patients since 2007. It has been an incredibly successful scheme which actually delivered results for Australians needing dental health care, and Calare has always been totally behind it. Ted's biggest concern, quite rightly, is how he would pay for his expensive and essential dental work if he were to have that work done after 30 November this year, when Labor will scrap the Medicare Chronic Disease Dental Scheme. Australians like Ted are in the dark about how the government will help them with vitally important dental care from 1 December. They are in the dark because there will not be a scheme then. That is because Labor's plan is not due to commence until 2014, and there has been no clear or genuine explanation as to what patients are to do in the meantime. But there is a silver lining in all this. We are talking about an incompetent and dysfunctional government that backflips on promises with great regularity. We have seen plenty of them and we are about to see another one. Hopefully this is one disastrous decision they do abolish.

There is going to be a huge gap between 1 December this year and sometime in 2014 when the government will introduce a scheme they are not clear about and that is
certainly not funded. Our scheme allowed procedures for chronic dental diseases to be carried out. I remember some years ago that those opposite wanted to abolish this scheme, before the Labor Independents did a backflip on it when they could not get it through the House. At that stage they wanted to give the money to the states to do nothing but inspections. Is that what we are going to get again, just inspections, rather than procedures that people are actually able to have done and paid for because you could get $4,000 over two years? The people of Calare certainly expect better. They expect a better explanation and they would like to know how this scheme is going to be funded and exactly what it is going to be.

**Fowler Electorate: Community Health Day**

Mr HAYES (Fowler) (19:15): On Friday, 31 August I held a bilingual Community Health Day at Freedom Plaza in Cabramatta. The event brought the community together to raise awareness of various health issues—in particular, lung and respiratory health and the importance of organ donation. Various government departments, including Fairfield City Council, Cabramatta Community Centre, Donate Life and the New South Wales Multicultural Health Communication Service, were present at the event to provide health information which had been translated into various languages—in particular, Vietnamese for that particular community. I was very happy to have a number of my Vietnamese-speaking staff on hand to assist with community engagement.

I would like to thank Dr Lieu Vinh Binh and Dr Phan Giang Sang who were guest speakers at the event and provided information and health advice. These doctors are local heroes and I speak on behalf of a very grateful community in thanking them for their efforts over many years. My good friend Dr Lieu is a prominent Vietnamese doctor, businessman and philanthropist who has played a key role in organising several fundraising events and dinners for various Australian charities.

I have also had the opportunity of working closely with Dr Sang over the past year and a half on organ donation. When I first met Dr Sang early last year, I developed great admiration for his passion for improving community health. He has published two books about the facts, myths and benefits surrounding organ donation. Since then, Dr Sang and I have worked hard to increase awareness of organ donation among the Vietnamese community. As a concerned practitioner, Dr Sang has personally been responsible for collecting 95 organ donation registration forms this year alone. This is an amazing figure given that Australia is, unfortunately, ranked among the lowest in the developed world when it comes to organ donation. The Community Health Day was a great opportunity to acknowledge the hard work of our local hero Dr Sang. On behalf of the broader Australian community I would like to thank Dr Sang for all that he has done and the way that he has encouraged fellow health practitioners to follow his lead.

I also take this opportunity to thank Cheryl Bosler, from Fairfield City Council, who played a major role in facilitating this genuine community event designed to promote community health. My office worked very closely with Cheryl over the past month and, without Cheryl's help and advice, the day would not have been so successful. My thanks also go to Barbara Hillman of the Cabramatta Community Centre and Cabramatta Tobacco Project, who also contributed greatly with organising entertainment for the event. Dr Lieu presented information on 'loving our lungs', which tied in nicely with the message from
the Cabramatta Tobacco Project encouraging people to quit smoking.

I also thank Bevan Wilson, from the New South Wales Multicultural Health Communication Service, and Angela Van Dyke, from Fairfield City Council, who also provided invaluable assistance for the event. My thanks also go to Cabramatta High School for providing fantastic entertainment and, in particular, for opening the event with very skilled lion dancing and dragon dancing routines. I thank the 20 students who performed and I acknowledge their teacher, Kim Keo, as well as Beth Godwin, the very, very committed principal of Cabramatta High School. I also acknowledge the women from the Wilma drumming group for providing an excellent conclusion to the event. Their performance was exciting and colourful and they certainly enlivened the audience.

The Community Health Day was a great success and I am grateful to the many people who assisted me in organising the day. I also thank my staff for putting an inordinate amount of time into facilitating this event. In particular, for opening the event with very skilled lion dancing and dragon dancing routines. I thank the 20 students who performed and I acknowledge their teacher, Kim Keo, as well as Beth Godwin, the very, very committed principal of Cabramatta High School. I also acknowledge the women from the Wilma drumming group for providing an excellent conclusion to the event. Their performance was exciting and colourful and they certainly enlivened the audience.

Government Spending

Ms O’Dwyer (Higgins) (19:20): What a sham this government is! What a sham the Treasurer is! After the litany of broken promises, backflips, backflips on backflips, outright stuff-ups, waste and now billions upon billions in new spending announcements, the Treasurer, like a drowning man clinging to a rubber duck, is still maintaining his claim that the government will next year deliver the first Labor surplus in over 23 years.

If the Treasurer truly believes this then he should be prepared to put his job on the line—just like millions of Australians do every day when they risk their life savings to create businesses and jobs. He should measure up to the meagre standard he has set himself—and resign if he does not. But he will not do that. And we all know why. It is because he is practising a grand deceit on the Australian public.

In the short time available to me tonight, I am going to talk about two issues that should concern every Australian who cares about maintaining our standard of living and the economic legacy that we bequeath to future generations. The first is the government's $120 billion black hole and the second is the consequence of that $120 billion black hole—which is, of course, new taxes. I will go first to the black hole.

When Wayne Swan was shadow Treasurer, he made big statements that the Howard-Costello government was 'a big-spending government' He claimed that the coalition were 'spending like drunken sailors'. Yet the previous government spent $100 billion a year less than the current government—the spending then was 23.1 per cent of GDP. During the life of this government we have seen it go from 25.2 per cent, to 26 per cent, to 24.7 per cent, to 25.1 per cent. At no stage has it been as low as it was in the last year of the previous coalition government.

Four months ago, when he delivered the budget, the Treasurer claimed he would tighten expenditure, yet in the last month and a half we have seen a $120 billion black hole appear in the government's budget, because
of unfunded policy announcements such as the dental plan, the Gonski plan and the National Disability Insurance Scheme. Each of these plans locks-in recurrent spending. This comes after warnings from Treasury Secretary Martin Parkinson and former Treasury Secretary Ken Henry that the current tax system is not able to cope with new spending initiatives. On top of this, the Treasurer, through the mining tax, has foolishly banked on revenue that is entirely dependent on volatile commodity prices, having wishfully bet budget spending on assumptions that commodity prices would stay at historic highs. The coalition warned then that even a small decrease in commodity prices would leave the budget exposed, let alone the 30 per cent drop in commodity prices that we have witnessed in the past year. Modelling firm Macroeconomics confirms these claims by predicting that the 2012-13 budget is already in deficit by $15 billion—a far cry from the promised $1.5 billion surplus.

In order to paper over the cracks in the budget and deal with its political problems, we have seen the government lurch from one position to another on the carbon tax. It has changed it six times since it started less than two months ago. Recently, the government exposed the carbon tax for what it really is: a revenue raiser that has precious little to do with the environment. One only needs to look at the government's recent backflip—its decision to scrap the buyout and close down brown coal power stations—to see that. This not only saves $5 billion from the bottom line but forces these powers stations to start paying the carbon tax: a double benefit to the Labor government and its coffers.

Thanks to the Australian Financial Review, Frontier Economics and the government's own figures, it is clear that Labor's unfunded spend-a-thon has created a massive structural deficit. Undermining the budget's structural integrity is a serious concern; it erodes consumer and business confidence and willingness to invest. Australians know that, over time, structural challenges will need to be addressed by spending cuts or tax increases. The Treasurer said in this place only this week that he refuses to rule out tax increases. We know that there are a couple of tax increases that are favoured by the Greens, the coalition partner of the government at the moment: more tax increases with superannuation and death duties. The Treasurer refused in this place to rule them out. We know that the government likes tax increases, because it has announced 26 new or increased taxes over the life of the government.

So I say to the people of Australia: prepare for higher taxes, more backflips, more on-the-run announcements and more fiscal irresponsibility. It does not have to be like this. With a coalition government it will be different. (Time expired)

**Obesity**

Mr MURPHY (Reid) (19:25): A recent report from the Charles Perkins Centre, the University of Sydney's new research hub for the study of obesity, diabetes and cardiovascular disease, warns that more than 60 per cent of Australian adults are overweight or obese. Professor Steve Simpson, an Australian Research Council Laureate Fellow and former Australian Scientist of the Year, who is now the academic director of the Charles Perkins Centre, recently stated that diseases of diet and lifestyle are 'among the greatest threats to health and quality of life' facing humanity.

Body mass index, or BMI, calculated as the ratio of weight to the square of height, is regarded as a reasonable estimate of the proportion of body fat in humans. A BMI of 18.5 to 25 is in the normal range; so a person
with a BMI of 25 to 30 is overweight and a person with a BMI greater than 30 is obese.

Among the more severe complications of being overweight or obese is the development of diabetes, the most common form being type 2, which is rapidly increasing in frequency in Australia and around the world. In Australia between 1989-90 and 2007-08, the age-standardised rate of diabetes more than doubled, from 1.5 per cent to 4.1 per cent of all Australians. Ninety-nine per cent of those cases were type 2 diabetes, a disease largely attributable to lifestyle and nutritional factors.

Diabetes mellitus, to give the disease its formal name, is a disorder of the metabolism of carbohydrate and fat that is normally mediated in the body by the hormone insulin. Insulin is central to the control of blood sugar levels in the body and is released by the pancreas following a meal. In healthy people it causes cells in the liver, muscles and fat tissue to take up blood sugar that would otherwise increase to toxic levels. Diabetics lack this essential regulatory mechanism.

There are actually two forms of diabetes, although both have similar medical consequences. Type 1 diabetes is an autoimmune disease that causes the destruction of beta cells that produce insulin in the pancreas, resulting in an absolute insulin deficiency. It occurs more frequently in children and requires the regular injection of insulin to control blood sugar levels. Type 2 diabetes is a multifactorial syndrome that arises from the combined influence of an inherited susceptibility and the influence of environmental factors, the best known being obesity, age and physical inactivity. It results in a diminished response to insulin in cells that normally absorb sugar from the bloodstream. Some patients with type 2 diabetes may eventually need insulin if other medications fail to control blood sugar levels adequately. While the incidence of type 2 diabetes is clearly linked to the increasing incidence of obesity in the population, the concurrent increase in the frequency of type 1 diabetes in children, growing worldwide at the rate of three to five per cent annually, is a mystery, even if the effects are all too apparent.

The sudden growth in the incidence of type 1 diabetes is seriously troubling, because this form of the disease has the potential to disable or kill people much earlier in their lives than type 2 diabetes. Although the possible causes include infections and the so-called hygiene hypothesis, wherein excessive cleanliness causes the immune system to overreact to allergens and destroy the body's own tissue, so far the most likely cause is, as with type 2 diabetes in adults, an increase in the body mass index of children.

Recent studies of the energy consumption of the Hadza, a tribe of Tanzanian hunter-gatherers, demonstrated that the sedentary lifestyle of Westerners is not responsible for the epidemic of obesity. The study found:

In all analyses, daily energy expenditure among the Hadza hunter-gatherers was indistinguishable from that of Westerners. The actual cause of increasing weight and diabetes in populations around the world is therefore very likely not the lack of exercise or activity, but rather a measurable increase in the intake of food energy, frequently in the form of junk foods. These products are universally and unscrupulously targeted at children and the less well-off.

Just as health authorities now recognise tobacco and alcohol as being serious threats to health, so too are we starting to recognise the damage from eating too much highly processed food that contains high levels of sugar and fat. We all must do even more to
educate Australians, particularly children, about the dangers of overeating such food.

**Small Business**

Mr EWEN JONES (Herbert) (19:30): Madam Deputy Speaker, I would like to invoke a point of order here: the member for Reid was looking at me all the way through that speech! I rise to speak on behalf of the people of Townsville and to thank the shadow minister for small business, Bruce Billson, for coming to Townsville last week. We had a fantastic visit where we went to the Townsville Chamber of Commerce and small businesses around the city and hosted a small business forum. I would like to highlight a couple of things that have come out of that. Firstly, the concern from small business all the way through is a lack of confidence. You cannot say what confidence looks like, smells like or feels like but, by jingo, you know exactly when it has gone. You know exactly when it is missing. That is what people in Townsville are telling us about small business at the moment. It is very, very hard to stand up and put your job on the line to create a small business.

A problem with small business compliance and the overregulation of small business by this government and the previous state Labor government has come to the fore. Accountants and solicitors are now de facto compliance officers and government tax collectors at all levels of government. Those professionals should be there helping businesses to borrow, maximise their returns and think of ways they can do things smarter and quicker.

A friend of mine is doing a Bachelor of Business at James Cook University in Townsville. In one lecture there were 45 people. It was on small business. The lecturer asked, 'Who here wants to end up with their own small business?' He asked them to put their hands up. One person out of 45 said that they wanted to go into small business. I think that that is an indictment on the way we are going at the moment. Very few people will go into it. We are not seeing the children of small business people going into business.

A mate of mine started a small business in trucks. He started with a ute and a maroon shirt because he played for Souths in Townsville. He made that work because he worked very, very hard and was prepared to go without. He looks back at that now and he says that, even if he was the same age with the same energy and the same drive now, he would not be able to make that business work today because of the regulations and rules that you have to follow. All of those sorts of things add to the cost of running a small business.

The carbon tax is a big issue for small business. The Minister for Climate Change and Energy Efficiency stood up at a press conference and said removing the floor price was actually going to give business certainty. I do not know if the minister was around during the foreign currency loans issue but, when we floated the dollar, people who had rural loans in foreign currency lost their farms. If you are going to tie a floating currency to a scheme on another continent, you want to make sure that your dollar is going to be high forever. If we go down to 75c or 60c, it would be great for our farmers but, if the euro goes up, that $29 a tonne is going to become $50 a tonne very, very quickly and for no reason.

Reduced red tape is something that we believe should happen. I am pleased to see that Campbell Newman came out and said during his campaign that he will reduce 75,000 pages of red tape. On our own side we have Senator Sinodinos and the member for Higgins going around the country...
actively looking for rules and regulations that should be pulled out. We know that former Prime Minister Rudd when he came into power said, 'One in, one out.' So far for every regulation that has gone out we have had about 18,000 in. That is not too bad. It is probably as close as you guys will ever get.

We would like to review the competition laws. We believe that small business needs a review of the policy on how they go about lodging complaints when they feel that they have been hard done by and how those complaints are heard. Too often small businesses, even when they are right, will walk away from a complaint when they know that they have a case purely because it is too expensive. They get belted up by big business or by a set of solicitors and they cannot pursue their claim. That has to be looked at for small business and those wrongs must be righted.

We have to look at a simpler award system, with one for small business including plain English. You cannot even get Fair Work Australia to give you the award rates these days. Even if you ring them and ask the question and ask for the answer in writing and they give it to you they still say that they can be wrong and that you will still be penalised. Those are the things that we need to fix.

**Live Animal Exports**

Ms PARKE (Fremantle) (19:35): It has been another bleak fortnight for Australia’s live export trade and one that has again brought international focus on Australia for our involvement in it. In a near disaster reminiscent of the *Cormo Express* tragedy, two Australian shipments of sheep were rejected by importing countries in the Middle East, leaving tens of thousands of animals stranded at sea. The two countries that refused to permit the unloading of Australian sheep—Kuwait and Bahrain—were parties to MOUs with Australia, an agreement between countries to ensure the unloading of our animals. The Australian public was meant to be reassured by these MOUs that a *Cormo Express* type disaster, where 6,000 sheep died when Saudi Arabia rejected them almost a decade ago, could never be repeated. Such was the secrecy around these two rejections that we do not know whether Kuwait and Bahrain were even reminded of their MOU obligations. However, what we do know is that their existence failed to ensure the unloading of Australian animals. The very first time these MOUs were put to the test they appear to have failed.

The 22,000 sheep on board the Wellard's ship the *Ocean Drover* had already endured a two-week sea journey from an Australian winter into a Middle Eastern summer. Animals who were already highly susceptible to succumbing to illness and heat stress remained on that ship for an additional 14 days while government officials and the exporter attempted quietly and outside of media scrutiny to negotiate a country to take them. In the end, that country was Pakistan, a destination that had never previously taken Australian sheep and that was only urgently granted supply chain approval as a desperate measure to ensure a destination for these sheep.

We as political representatives and the community would not even have been aware of what was occurring had it not been exposed by international media, piquing the concerns of animal welfare groups and Australian journalists. The seriousness of these incidents has been downplayed rather than accurate information provided to the public. To this day, there has been no acknowledgement that the two importing countries rejected these shipments in breach of their MOU obligations.
Rather, we have heard the industry line that the additional 10 or 14 days at sea for these sheep merely reflected ‘delays in approval for unloading’. Refusing to unload a shipment is a rejection. It was an overt rejection in the case of Bahrain; otherwise Wellard would not have been forced to source an alternative market in Pakistan.

Once again it is clear that animal welfare should not be the responsibility of a department whose primary stakeholder is the agricultural lobby. It is in recognition of this that the federal ALP passed a resolution at our national conference to establish an independent office of animal welfare, and I join with a number of my Labor colleagues in pushing for this to occur as a matter of urgency.

The sheep on the Ocean Drover had barely set foot on soil before the industry was rocked yet again by the revelation that Australian sheep were being sold in a notoriously cruel marketplace in Kuwait, in breach of government regulations. Many Australians will remember with heavy hearts the images Animals Australia brought back from this very marketplace in 2010—of sheep being manhandled, trussed, thrown, shoved into car boots and lying across the bodies of other bloodied and dying sheep. This market is, according to Animals Australia, the scene of some of the worst cruelty documented in their 10 years of investigating this trade, and finding animals in this marketplace is equivalent to finding cattle in the worst slaughterhouses of Indonesia.

If found guilty, the exporter involved should lose their export licence. This exporter has already been exposed as having a chequered history in this trade and indeed was found responsible for serious animal welfare breaches in Indonesia just a few months ago. The only way that serious breaches will not continue is if the government sends a strong message to exporters that violations will not be tolerated, by imposing the strongest possible penalty when breaches are exposed.

The reality is that this government has taken stronger action than any other to regulate this trade and hold the live export industry to account—but the system is not working. We are dealing with importing countries that do not prioritise animal welfare and an industry that clearly does not. That it continues to take the efforts of animal welfare organisations like Animals Australia to uncover and report breaches is unacceptable. A charity should not have to be the watchdog of a million-dollar industry. I am sure that Heather Neil, the CEO of RSPCA Australia, who is in the gallery tonight, would agree.

Ultimately, all of these sheep could have been sold for a profit to domestic markets. Instead they were exposed to the inherent risks of lengthy sea voyages and cruel slaughter in importing countries. When is enough profit enough? At what point do we say we are no longer prepared to export our ethics with our animals? I, like most Australians who despise this trade in animal suffering, believe that point has come and gone.

Organ Donation

Mr CRAIG KELLY (Hughes) (19:40): I rise tonight to express my great concern about Australia's appallingly low rate of organ donations and the failure of the federal government's $151 million reform package, which was designed to establish Australia as a world leader in organ donations. Australians support organ donation, and transplants have a 96 per cent success rate. Despite this, we have one of the lowest transplant rates per head of population in the developed world. In international rankings
Australia is not even in the top 20, with Spain, Norway, France, Austria, the USA and even countries like Estonia and Uruguay well ahead of us. In fact, the World Health Organization ranked Australia a lowly 24th in the world last year for organ donations per head of population.

Back in July 2008 the then Rudd government announced a $151 million national reform package to improve Australia's lowly rate of organ donations. At the time they said this was 'to establish Australia as a world leader in organ donation for transplantation'. But currently Australia's organ donation rate is just 0.9 per cent higher than the rate it was some 22 years ago and we remain a lowly 24th in the world. This is all despite the then Prime Minister's stated target of lifting Australia's performance to that of 'world leader status'. However, this reform package and the spending of over $151 million has failed to come anywhere near that target.

To demonstrate how poor Australia's organ donation rates are, whilst leading countries in the world such as Spain and Portugal and many states of the USA consistently have over 30 donors per million of population, Australia's current rate of organ donations, four years after the spending of $151 million, is less than half that of those countries, at just 14.9 donors per million.

If transplantation rates were the Olympics, there would be a national outrage at Australia's poor performance from both the media and the populace alike. If we were ranked a lowly 24th in the medal tally at the Olympics, we might feel disappointment and a few athletes might miss out on medals. But when we are ranked a lowly 24th in the world for organ donations, what that lowly ranking means is that an Australian waiting for an organ transplant today has only half as much chance of receiving a transplant as a citizen of Spain, Portugal, Croatia, the USA, Austria or France. This lowly ranking of 24th in the world means that this year alone more than 1,000 Australians will miss out on organ donations. What this lowly ranking of 24th in the world means is that thousands of Australians will unnecessarily suffer. They will experience unnecessary hardship and, ultimately, unnecessary death.

The failure of the reform package and Australia's lowly ranking is completely unacceptable and every member of this chamber should be outraged. But just look at the comments from some of those working at the coalface, such as double transplant recipient Brian Myerson, who recently said:

Australians are dying and suffering needlessly. We have one of the best health care systems in the world, yet we have one of the worst organ transplant rates in the developed world.

Past mistakes are being repeated when, globally, new and very successful systems are proven to be working. If this is not disturbing enough, we are now actually going backwards. The transplant scoreboard shows that in 2012 we are going backwards. There has been a decrease in organ donations in 2012 compared to 2011.

We need an urgent, independent, external consultant review to determine the reasons for the failure of execution of the national reform package. We need to find out what has happened to the $151 million of taxpayers' money that has been spent with negligible results. We have a duty to do so, for this continued failure, this continued lowly ranking, results in unnecessary suffering, hardship and ultimately death for our fellow Australians who are urgently awaiting transplants.
Mr NEUMANN (Blair) (19:45): Tonight over 14,000 Queenslanders are experiencing the cold, hard reality of living without a job. Yesterday the Queensland LNP state government handed down its first budget and announced the sacking of 14,000 people, including over 4,000 health workers. And they did this with glee. The Queensland Treasurer, Tim Nicholls, said: 'This is an exciting time to be the treasurer of Queensland.' The fact is that the Queensland budget has done nothing more than attack working Queenslanders, who have felt it across the length and breadth of the state and in my electorate of Blair. The LNP state government did this using the discredited figures from the Costello audit to claim they were reducing debt because they needed to, when in fact they are doing it at the same rate as the previous Labor government. I commend all Queenslanders to read an article by John Quiggin, Federation Fellow in Economics and Political Science at the University of Queensland, who takes apart the Costello critique and makes it quite clear that the report's treatment of debt was 'absurdly alarmist'. This slash-and-burn mentality is based on a politically driven gross exaggeration and distortion of Queensland's debt.

The Queensland Premier demonstrated his economic credentials when he compared Queensland to Spain. By sacking 14,000 public servants in Queensland, perhaps he is trying to reach Spain's unemployment rate of nearly 25 per cent. These mass sackings demonstrate the disingenuous nature of the LNP's promises. Before the election, Campbell Newman promised that public service jobs were safe. He said that Queensland public servants had nothing to fear from him. He gave assurances, solemn promises. Now he has embarked upon mass sackings, including of 45 nurses in Townsville. He said that front-line services were not being dispensed with, but in fact they are and he is recalibrating what is front line. Last week, the Queensland Minister for Health said that 2,754 full-time-equivalent jobs would go from Queensland Health. Yesterday we found out it was very different. It was many more than that. Yesterday the budget delivered another version, and stated that 4,140 health jobs were to be slashed.

I have spoken to public servants in my electorate, many on the front line and many full time. Many were in tears about losing their jobs and many were in tears with anxiety about losing their jobs. These cuts to preventative front-line services and cuts to the numbers of those who treat ordinary Queenslanders cover a range of areas, including pathology services, breast screening, vaccination services and TB clinics. They are not just in Brisbane; they are in Ipswich, in my electorate; in Emerald; in Townsville; on the Fraser Coast; in the Darling Downs; and across the length and breadth of the state. What Campbell Newman and the LNP state government are doing in Queensland is an abrogation of their responsibility for Queensland's health. What they are doing is unsafe and unnecessary. It is an attack upon the quality and service delivery of Queensland Health.

I suppose Mr Newman expects the federal Labor government to pick up the shortfall. The cuts to nutrition services, mental health services, women's services and nursing services are inexcusable and a disgrace. These cuts have been slammed by the Queensland Nurses Union and the Australian Medical Association. The Queensland LNP government would prefer to treat health problems rather than take proactive measures to prevent them. Where is the detail about the impact on the health services of Queensland?
Campbell Newman is just the foretaste. He is the forerunner. I urge all Queenslanders to think about this. Do not let Campbell's Queensland become Abbott's Australia. What we are experiencing in Queensland, New South Wales and Victoria is indicative of what we could expect under a federal coalition government. Campbell's Queensland would be Abbott's Australia, if the Leader of the Opposition became the Prime Minister. Their policies are one and the same. Tony Abbott takes pride in these policies and says he is very supportive of them. His policies are the same—a commission of audit and the sacking of public servants. He proposes to sack 20,000 of them, and perhaps many more if he is going to pay for the $70 billion black hole.

We have seen how this affects Queenslanders. We have seen how it affects funding in Queensland. We have seen how it affects services in Queensland. We have seen how it affects Queensland children, Queensland mums and dads and Queensland businesses. Business is shot and confidence is gone in electorates like mine, in working-class areas like Ipswich and the Somerset region, in regional and rural areas. Funding for services like the Brisbane Valley Rail Trail and the Rural Fire Service is slashed and gone. It is a disgrace. *(Time expired)*

**New South Wales Government**

Mr OAKESHOTT (Lyne) (19:50): It went under the radar because of the announcement of $1.7 billion of cuts in education, but yesterday the New South Wales government also released their strategic regional land use policy, which in its development has been highly contentious—so much so that the Country Women's Association, for the first time in their history, stood outside the New South Wales parliament to protest against some aspects of the strategic land use proposals under consideration. This land use policy was finally released yesterday, and sadly it seems to have only impressed its authors, the New South Wales government. Those who have been let down by the policy include the state's 38,000 farmers and many thousands of other residents concerned about the long-term impact of inappropriate coal seam gas extraction on aquifers, groundwater and farmlands. The state's peak body representing farmers, the New South Wales Farmers Association, are critical of the policy, describing it as a green light for exploration and mining right across the state. They have described it as a cave-in of policy.

The policy fails to protect water and productive farmlands from the enthusiasm of the moment around coal seam gas, because it fails to quarantine any part of New South Wales, regardless of its agricultural or environmental value, from drilling and coalmining. The most lucrative deposits occur in the same regions that are the most productive in terms of agriculture and tourism, and this has failed to be recognised in the planning policy.

The decision was hopefully not made because of the prospect of increased mining royalties, which rose by 25 per cent in 2010-11 to $1.24 billion and, according to the New South Wales Treasury, are expected to reach $8.5 billion over the next four years, which is an extraordinary increase over the forward estimates.

Either way, the legitimate concerns of many thousands of New South Wales residents about the potential impacts of fracking on groundwater supplies, the potential impact of extraction on productive lands and on surface water have in many ways been ignored. Even the moratorium on the controversial fracking process used to extract coal seam gas has been lifted. New South Wales has now moved to renew 22
drilling licences covering five million hectares, including one in the Pilliga Forest, despite it being under investigation already for environmental damage and soil and water contamination.

The regional land use policy released yesterday amounts to a broken promise by the National Party and the Liberal National Party, who stood on a platform to stop mining in prime agricultural regions. After 18 months of policy development, farmers have every right to be angry. Their interests, and the interests of those who consume their produce, have taken a back seat to the might of the mining sector and the eightfold increase expected in mining royalties over the next four years.

The state government's accompanying Aquifer Interference Policy fares no better. The New South Wales Irrigators' Council says it is 'profoundly disappointed' with the policy, which was released at the same time. It says that the rules proposed in the draft policy were inadequate because too many exemptions could be applied, but the final policy is far worse because now we do not have any rules, just 'guidelines'.

In Australia groundwater accounts for about 20 per cent of the country's total water use, and the majority of it is used for agricultural purposes, such as crop irrigation. More than 40 per cent of the New South Wales population either fully or partially relies on groundwater, including about 200 towns that use groundwater as their principal water supply.

If New South Wales gets this policy wrong, the potential cost to the community will not just be measured in terms of lost agricultural opportunities. While there are improvements in the final policies over the draft documents, they are few and far between. I certainly acknowledge a Land and Water Commissioner being established and the claims that it will 'restore community confidence' in the oversight of exploration. I hope that occurs. The limited value of the commissioner will be to supervise land access deals between owners and miners, although the office will only have limited powers to advise.

Miners will at least have to prepare an agricultural impact statement as part of the approvals process, and a code of conduct will be implemented for coal seam gas companies. Other small wins include that mining applications will be subject to early assessment of their impact on 'strategic' agricultural land, and there are several other smaller wins. Essentially, more work needs to be done. (Time expired)

Elizabeth Town: Motor Vehicle Accident

Mr SIDEBOTTOM (Braddon—Parliamentary Secretary for Agriculture, Fisheries and Forestry) (19:55): Colleagues, it is my unfortunate duty to report to the House that unfortunately today, in an area near Elizabeth Town, which is between my electorate of Braddon and into Lyons and on the way to Launceston, a Cancer Council bus was involved in a very serious accident. I understand that a trailer from a waste truck crossed the road and the Cancer Council bus swerved to avoid it. There were 10 people on board that bus, and unfortunately two people died in the accident there. Unfortunately, later on another person died whilst undergoing surgery. Six ambulances attended the scene, and I believe that it was horrific. There are some critically ill people also as a result of the accident.

May I, on behalf of myself, my electorate and this parliament, say how deeply saddened we are by this news. We pass on our deep sympathies to those who have been affected, their families and their friends in this very difficult time. I hope that they can
see some light in the future from this terrible accident. Thank you for the indulgence.

Question agreed to.

House adjourned at 19:57

NOTICES

The following notices were given:

Mr Marles to present a bill for an act to amend the International Fund for Agricultural Development Act 1977, and for related purposes.

Ms Smyth to move:

That this House:

(1) recognises the reliance of many families and individuals across our community on penalty rates as a key component of their income, particularly our lowest-paid workers;
(2) acknowledges that work-life balance is important to the health and welfare of workers, families and our community;
(3) recognises that penalty rates often compensate workers for time they may otherwise spend with family; and
(4) opposes measures that would remove or undermine penalty rates.
The DEPUTY SPEAKER (Hon. BC Scott) took the chair at 9.30.

CONSTITUENCY STATEMENTS

Swan Electorate: Cannington Leisureplex

Mr IRONS (Swan) (09:30): It is a great pleasure to be able to advise the chamber of the official opening of the new $36.5 million Cannington Leisureplex in the electorate of Swan—the start of what I hope will be the development of Queens Park into a hub for sporting facilities south of the river. The grand opening was last Wednesday and it was fantastic to be there on behalf of the Cannington and Swan communities. The opening of the leisureplex is a significant event for the community and it was particularly pleasing for me on a personal level to be able to see the building come to fruition after I was able to announce before the last election that a federal Liberal government, if elected, would contribute $7 million towards that centre.

As I said to the mayor, Joe Delle Donne, at the opening, it seems like only yesterday that we stood on the site when it was an empty field and we tried to envision what the outcome would be. The leisureplex has effectively consolidated many of the existing sporting facilities from across the Cannington region into one place, a strategy advocated by the member for Bennelong when he spoke to the South Perth residents in my electorate recently about a local campaign for a city of South Perth aquatic centre. The member for Bennelong's concept of sports malling has certainly captured the imagination of the people of the city of South Perth and this is something as a community we will continue to work on in putting the case to local authorities.

With the successful opening of the leisureplex and the consolidation of Canning's facilities, the case has only grown for a similar sports mall in the city of South Perth for the benefit of the residents. The leisureplex has been built next to a railway line in Queens Park adjacent to the Coker Park athletics facility and has brought together an indoor sports arena, a 25-metre swimming pool, spa, library and creche. I was able to attend the official opening on Wednesday and inspect the facilities and they are of a high quality. There is also a gym and my local state colleagues Mike Nahan and Nick Goiran were quick to jump on the exercise bikes and try them out. I would have joined them except I had a recent cartilage operation, so I was only able to witness what they were doing.

Mr IRONS: I hear the opposite side encouraging me and hoping I get over my operation as quickly as possible. Nick Goiran was there representing the Premier, Colin Barnett, who is currently doing a fantastic job in Western Australia, making decisions and going full steam ahead into the election next year.

The leisureplex itself is heated geothermally, and we were given the opportunity to inspect the exchange mechanism in the centre. The practical use of this technology in WA has been demonstrated by the leisureplex and I hope it will set a similar standard for facilities elsewhere in Western Australia.

With the limited time I have, I will give credit to the Rudd-Gillard government for providing the $7 million, which came after the state government's $2.5 million and
Lotterywest's $1 million. Congratulations to everyone involved. For the community, the benefit of the leisureplex will continue for years to come.

**Greenway Electorate: Kings Langley Little Athletics**

Ms ROWLAND (Greenway) (09:33): I rise to talk about the power and importance of sport in our local communities and in diverse communities such as Western Sydney. Sport is particularly important for promoting inclusiveness, whether it be Superintendent Mark Wright from Blacktown area local command and his initiatives to have football competitions for new arrivals from Africa or the many cricket friendly days hosted by the large subcontinent community in my electorate. As the member for Chifley would know, there is a large Filipino community who love their basketball. Sport really is a strong socially inclusive mechanism.

I particularly want to mention Kings Langley Little Athletics club in my electorate. It is a fantastic community sports group that I was privileged to visit last Friday night for the beginning of the 2012-13 season. It was a cold and windy night but hundreds of little A's were there with their families all rugged up, working the barbecue and organising the various teams. It says something very important about the popularity of this great club. While I was there I had the opportunity to officially unveil their brand-new long jump pit, funded by a $20,000 grant from this Labor government. This is an investment that has been greatly welcomed by the Kings Langley Little A's community and is an investment that would benefit their some 440 members—and growing.

Kings Langley Little A's club is led by their very able president, Darren Tait, and vice president, Ken Poole. I want to highlight especially their contribution to this organisation over many years. The success of Kings Langley Little Athletics depends on the dedication of Darren, Ken and all the volunteers, who give up their time to organise the equipment and uniforms, run the drills, work the barbecue and staff the canteen.

During my visit last Friday night I was also privileged to hand out a long service award to Corrinya Moore and welcome the latest centre captains for this season, Chelsea Gassin and Ryce Kable.

I also want to acknowledge four outstanding athletes, from Kings Langley Little Athletes, who brought home a bag of medals from two international events in Canada last month. Siblings Bethany and Dale Parker joined brothers Todd and Ryan Owen on the 17-day Sports Travel Australia track-and-field tour of British Columba. Their efforts produced a haul of 13 gold, 10 silver and four bronze medals. A truly outstanding achievement. Bethany Parker even broke the shot-put record for the Canadian province of British Colonbria with a 10.75 metre throw.

I wish all the volunteers and competitors at Kings Langley Little Athletics all the very best for the 2012-13 season. I again thank their president, Darren Tait, for all his hard work in the Greenway community. It is indeed community and volunteer groups like Kings Langley Little Athletics that make the Greenway community a fantastic place to live for families and young people. I look forward to working with them into the future. They have already signed up my daughter, so I think the club can only go on from strength to strength!

**Red Earth Connections**

Mrs PRENTICE (Ryan) (09:36): The scale of the challenges facing Indigenous people in remote Australia is not lost on anyone in this House. Among adults, unemployment is chronic
and widespread. Among children, only a minority reach national minimum standards in literacy and numeracy. In particular, remote Indigenous communities and homelands face endemic challenges. Those who live there are in a constant battle for food security and basic infrastructure.

As the 2012 Indigenous expenditure report released by the Productivity Commission last week highlighted, and as members—who include the Leader of the Opposition—who have made the journey to remote Australia know, these are not problems that can be fixed by money or government schemes alone. Last year, two young men who grew up and went to school in my electorate of Ryan decided to tackle the issue by thinking outside the square. Working together in Cape York, Arthur Alla and Alex Harper founded Red Earth Connections, a not-for-profit organisation dedicated to connecting high school students to remote Aboriginal communities. Both graduates from the University of Queensland and having a rich history of volunteering, Arthur and Alex believed that they could make a difference in the lives of students and Indigenous Australians.

Red Earth Connections gives high school students an opportunity to volunteer on meaningful projects in remote Aboriginal communities. The projects are chosen by elders who know exactly what is most needed. There are chicken coops to be built, fences to be mended and water tanks to be installed. The significance of these projects is clear. Eddie, an elder who has been living in an isolated homeland in the Daintree rainforest for decades said: 'Living up here is never easy. Every day is a struggle. We always talk about reconciliation but before these kids came up here this place was dead. Now it has come alive.'

The impact on the development of the students who make the journey is immense. For Wesley Wei, a grade 11 student from Newington College in Sydney, learning about the hardships of living so far away from civilisation was something he would never forget. Nick Sheehan, a grade 10 student from Nudgee College in Brisbane, described the journey to remote Indigenous Australia as like nothing he had ever experienced before.

In confronting our future voters and leaders with forgotten parts of Australia, Red Earth Connections hopes to see the emergence of a country united by our common struggles and common hopes. After a successful pilot year, and with schools such as Brisbane Grammar making the journey to remote Indigenous Australia in the coming days, Arthur and Alex are looking forward to 2013 as they expand their reach to connect more schools to more communities throughout Australia. I encourage anyone who can assist or would like to see the education of their students or children enriched by such an experience to get in touch with this promising organisation.

Ultimately, Arthur and Alex realised that behind the veil of ideology and political correctness that drives most of the discourse on remote Aboriginal communities there are real people with real problems. To solve problems you must understand them. To understand them you must connect with the people who experience them. Red Earth Connections wants to see that connection between all Australians, a connection based on shared enthusiasm, shared desires and shared hopes.

Ms OWENS (Parramatta) (09:39): I rise to talk about the extraordinary admission by the Deputy Leader of the Opposition that, if elected, they would return Sri Lankan asylum seekers
back to Sri Lanka before their claims for asylum are considered. Just like that, the opposition would disregard the refugee convention and protocol, and the principles that they are founded on. It is a convention that some 60 years ago Australia signed—in its shame—after sending back boatloads of Jews who were escaping Nazi Germany, suggesting to them that perhaps they could go back to where they came from. Sixty years on, we would have a government that did the same thing to people fleeing Sri Lanka.

The Opposition would ignore our obligations under the convention, which states that Australia cannot return people found to be genuine refugees to a country from which they are fleeing persecution. How could we possibly be sure that refugees are not fleeing persecution without fully assessing their claims for protection? The answer is, we cannot. Sri Lanka was plagued by a dreadful civil war for 26 years. In that time, the Tamil Tigers and the Sri Lankan government were locked in a bloody conflict, causing significant hardship for the Sri Lankan people and leading to the death of between 80,000 and 100,000 people at least—the majority of those being Tamils.

This was a dreadful conflict, and without even going into how it started and who was right or wrong there can be no doubt in a conflict of that kind that there were dreadful acts on both sides, that there were acts of great bravery and courage on both sides and that many innocent people suffered and died in that conflict. As a result of that, there would be people who are undoubtedly in fear of their lives. How, after 26 years of a conflict like that, could there not be? The idea that all of those people—anybody fleeing Sri Lanka—has to be an economic refugee and returned reminds me of that incident that caused us to sign this convention in the first place, when we turned back boats of Jews fleeing Nazi Germany. Most countries in the world did it and in our shame we created the refugee convention so that we would never do that again.

It is extraordinary that in 2012 anybody who believes that they are capable of governing a country that is as civilised as Australia would actually believe that that is acceptable. It is not, and I stand here absolutely telling the Opposition that it is not acceptable. I will not even go into the hypocrisy that it is okay to turn boats and people back to Sri Lanka, which is not a signatory. I also want to stand here with my Tamil community, that is quite appalled by this. They are in fear of this; they are afraid for their countrymen. This is an appalling position for an opposition to hold, and I condemn it.

Forde Electorate: Community Events

Mr VAN MANEN (Forde) (09:42): I am very proud to rise this morning to share with you some of the wonderful achievements of the constituents of Forde.

Firstly, I would like to congratulate the Park Ridge Pirates, a junior AFL club, and their president Andy Colenso for their recent success in the AFL Brisbane Junior Gala Awards. They were successful in taking the top honours of the Neville Blunt Club Championship Award. This award was won by achieving the highest percentage of wins per games played in the competition. The awards also recognised the efforts of local Beenleigh youth, Michael Jordan, who was named Youth Coach of the Year.

Also in sport, Windaroo Valley State High School has completed a stunning comeback to extend one of Logan's longest runs of sporting superiority. For over a decade the school has
been unmatched in the Pacific District Athletics Championship, and has now secured its 13th consecutive title.

I am also proud to report that one of my constituents, Mark Cummins—the primary caregiver of eight children between the ages of 15 and 32—has won the title of Queensland Father of the Year. This is a tremendous achievement for a father who has raised eight children, two of which suffer from Cystic Fibrosis.

We have a number of positive stories in our local community, where locals reach out to brighten up the lives of others. One such story is that of Ela Gibson and the women of the Logan Wish Group who secretly spoil people in the local community and put others before themselves. They spoil people like carers of children or family members by treating them with pamper packs and letting them know that they are appreciated.

We have also had one of our local constituents, who is a heart attack survivor, complete a 100-kilometre bike ride to raise funds for multiple sclerosis. Graham Booth admitted that he did not know anyone personally with MS, but wanted to ride because it was about mateship and looking after each other—another great example of our wonderful local community spirit.

Finally in the good news stories, I have had two constituents reach a very important milestone in the electorate: we have celebrated two 100th birthdays in recent weeks. George Hill, who was born on 4 September 1912 and Mrs Eileen May Fallu who was born on 6 September 1912.

Whilst I had the opportunity to attend Eileen's birthday at Coomera, I missed the opportunity to attend George's at Burnley Sports Club. It would have been great to have been at George's birthday because I heard he had a waltz with 10 ladies—something he does regularly every week. I certainly hope that I can be around at 100, let alone waltzing at 100.

**Bullying**

Mr CRAIG THOMSON (Dobell) (09:45): I rise to speak about bullying. There has been quite a bit of coverage in recent days about bullying in relation to the trolls on Twitter, and it is worth congratulating the *Daily Telegraph* today for launching a campaign to fight to stop this. In particular I would like to congratulate Michael Clark, Charlotte Dawson, Ben Barber and Kevin Rudd, who have put their names to that story, and undoubtedly will be subject of trolls twittering and attacking them for taking that stand today. It is something that should be congratulated.

Bullying is not confined to Twitter and we need to be taking this campaign a little bit further than just looking at what happens on Twitter. Bullying in the Australian media happens with shock-jocks every day for hours and hours on end. It happens in our newspapers with columnists. It happens in blog sites, and the Prime Minister, quite rightly, outed misogynist nutcases last week when she commented about bullying in relation to her. We tell our kids at school, 'You should not bully in the playground,' yet we have allowed it to flow through all levels of the media and all levels of our society.

Twitter is one form where people can anonymously put up their comments, but by and large people of Twitter are reacting to comments that are made by others in the public, and to ignore what is encouraging those people on Twitter to bully is ignoring the problem. We need to be looking at ways in which we can keep free speech, but also make sure that people do not abuse that free speech.
I do note, and it is a slight criticism of the Daily Telegraph, in its article today it says, 'Join our campaign to stamp out the faceless bullies.' You then go to the comments on the site, and we have one from Outback Jack, Macca of Sydney, Leo, Mitch of Servo, Me of Sydney. So, in criticising Twitter for allowing faceless bullying, in their actual story they have done exactly the same by allowing faceless comments in relation to bullying, and so I encourage the Daily Telegraph to take their campaign a little bit further in terms of that, to make sure they regulate their own comments, then make sure that people put their names and addresses to the comments that they put on their blog sites, and also look at the types of articles, the types of commentators, the types of commentary that appear in their paper, appear on radio and TV everyday. Bullying is bullying whatever form it takes and it should not be tolerated in any form, at any level.

O'Connor Electorate: Type 1 Diabetes

Mr CROOK (O'Connor) (09:48): Throughout the year I have met with some inspirational young Australians from my electorate of O'Connor who suffer from type 1 diabetes. These constituents include Lauryn Hope-Blythe of Katanning and Rebecca Slater of Esperance. I would like to take this opportunity to acknowledge the bravery of these young Australians and the tireless work of these constituents and their families in raising awareness about the disease particularly through the Juvenile Diabetes Research Foundation.

Recently I met with Lauryn and her mother, Sue, in my Albany office. During that meeting I was privileged that Lauryn shared with me a personal poem she wrote about her struggle with type 1 diabetes. Lauryn wrote this poem when she was nine years old and agreed for me to share it in the chamber today. The poem is titled My wish. Lauryn writes:

I would like to have a fairy all sparkly and pink,
With beautiful wings and diamonds I think.
I'd ask for one wish of this it would be, please
Take away my disease, this horrible “D”
I'd wish to do sleepovers with friends without a care
I'd wish to be like other kids, it just doesn't seem fair
I'd wish to do sports and not have to think
About my blood sugars, I think it stinks!
My head sometimes hurts, and feels really funny
It feels like I'm dreaming, but for the pain in my tummy
Cramping and hurting, I know I must be low
Quick I need some honey to feed the horrible foe
Finger pricks and needles and sleepless nights
I know I need to be strong and put up a fight
How I got my disease, nobody knows why
It makes me so sad, and makes my mum cry
She hasn't slept through the night for nine years
She checks me so often for the lows that she fears
If we all work together then a cure we should find
This is my one wish and always on my mind  
Please hear my story and take it to heart  
Cause this is the place where my one wish will start.

I implore all members in this place to hear Lauryn's story and act on this issue. In November this year, both Lauryn and Rebecca will be part of a special group of advocates from the Juvenile Diabetes Research Foundation who will be visiting Parliament House. These delegates will be in Parliament House as part of a Promise to Remember Me campaign—a campaign designed to start a conversation with MPs about type 1 diabetes and why the government needs to support more research. I note that the foundation is currently seeking federal government funding for an Australian type 1 diabetes clinical research network, and I fully support this request. I implore members of this House to have this conversation with diabetes sufferers and to hear their stories firsthand when they visit Parliament House this year.

There is no known cure for type 1 diabetes. Research is the only way in which type 1 diabetes management can be improved and eventually cured.

**National Disability Insurance Scheme**

**Dr LEIGH (Fraser)** (09:51): On 24 August it was my pleasure to join with parliamentary secretary Jan McLucas and member for Canberra, Gai Brodtmann, at the Griffin Centre in Canberra to hold a forum on the National Disability Insurance Scheme. It is the second forum in my electorate on the NDIS that I have helped organise. A previous forum in Belconnen was well attended by a range of carers, people with disabilities and people of goodwill who are committed to building a national disability insurance scheme. I also met in my electorate office with a range of people with disabilities and their carers to discuss what an NDIS will mean for them.

Some of the stories of people who care for people with disabilities are profoundly shocking. As the Every Australian Counts website says, 'Which developed country would expect someone to live with two showers a week?' That is Australia. We heard the story of a Queensland woman who has to reapply every 15 days for emergency care. We heard about mothers of children with Down syndrome who have to constantly prove that their child's chromosomes have not changed. They have to be constantly reassessed. We heard stories about a child in the Northern Territory who has to hand in his hearing aids when he leaves school at the end of each day.

Building a national disability insurance scheme must be done in collaboration with people with disabilities and their carers. We need to ask, 'What do you want and how can we deliver it?' Assessments under the National Disability Insurance Scheme need to be done no more frequently than is necessary. Over-frequent assessments are enormously frustrating for people with disabilities and their carers and sometimes contribute to carers losing their jobs.

The parliamentary secretary had three asks for people at the forum and I share them with the House. She wants people to go to the Every Australian Counts website and sign up. Go to www.ndis.gov.au and learn more about the NDIS, and talk about the National Disability Insurance Scheme with all Australians. Recognise that we need to build a nationwide national disability insurance scheme.
I am very proud that the ACT is one of the launch sites for the NDIS. I was pleased to join the Prime Minister and Chief Minister Katy Gallagher at Black Mountain School on 26 July to discuss the issues. Canberra is one of the sites that is leading the way in improving care for people with disabilities, but we still have a long way to go. I applaud the passion of the parliamentary secretary, the Prime Minister, the Chief Minister, Minister Macklin and many others. This is an important task and it is a mark of a civilised society that we do it. *(Time expired)*

**Exit 92 Cluster of State Schools Speech Makers Festival**

**Uniting Church Elanora**

Mrs ANDREWS (McPherson) (09:54): Today I would like to speak about the community of Elanora on the southern Gold Coast and two of the recent events that have taken place in that area. I would like to start with the Exit 92 Cluster of State Schools Speech Makers Festival, which I attended last Thursday night at Elanora State School. The Exit 92 Cluster of State Schools comprises eight local state schools at the southern part of the electorate that actively work together for the benefit of their students. Those schools are Coolangatta State School, Elanora State School, Currumbin Valley State School, Tallebudgera State School, Currumbin Primary School, Palm Beach State School, Elanora State High School and Palm Beach Currumbin State High School. Unfortunately, PBC was unable to compete in this year's contest.

Each of the students competing at the festival had to prepare a speech from a list of topics and then present it on the night. It was fantastic to see the high level of preparation from each of the students and the confidence that each student displayed. I would therefore like to congratulate Sarah Withers, Charlotte Page, Zoe Browne, Matilda Lee, Oscar Knowles, Luke Haining, Jacinta Hill, Dylan Butler, Steven Chen, Corben Thorsby, Phoenix Starr, Lauren Congram, Corey Dodd, Chelaine Bothma, Ellie Mann and Cassidy Lynd for their outstanding performances on the night. I would also like to acknowledge the student leaders from each of the schools, which attended to assist in running the event and taking turns in introducing their fellow students. They were Mikayla Thomas, Anna Tyrrell, Isaac Graham, Elaine Summersford, Kira Egan, Kyle Kettlewell, Olivia Cox, Brianna Burnett, Ella van Seters and Christopher Charlton. However, the night would not have been a success without the hard work put in by the festival's organiser, Maria Thompson from Elanora State School, and the adjudicators for the evening, Reverend Ian Lord from Elanora Uniting Church, Margaret Greer and Norma Waller from Toastmasters. Congratulations to all concerned with the Speech Makers' Festival.

I would also like to speak about the Elanora Uniting Church Spring Fair and Flower Show, which I had the privilege to attend and open last Saturday. The Spring Fair and Flower Show is organised annually by the church and is attended by hundreds of locals and their families. Throughout the fair, there were a variety of craft stalls and plants, as well as a very wide variety of fresh jams, bakery items and confectionary that were made just for the day. It was also great to see other not-for-profit organisations present and lending their support, including the local Commonwealth Respite and Carelink Centre and BlueCare. I would also like to mention that Elanora Uniting Church runs a Wednesday morning craft group which attracts more than 300 people. A wide variety of crafts are available for the attendees to participate in,
such as beadwork, knitting, crocheting and quilt making. It is an excellent morning and I look forward to being part of it in the near future.

**Chifley Electorate: Education**

Mr HUSIC (Chifley—Government Whip) (09:57): I rise to speak up for parents, teachers and students in the electorate of Chifley, who are rightly outraged at the news that the New South Wales coalition government has cut funding to schools by nearly $2 billion over four years. At a time when we are trying to get governments, schools and P&Cs working together to bring life to the promising reforms outlined by the Gonski review, the New South Wales coalition government's cuts are a crushing blow. No-one who voted for local state coalition MPs Bart Bassett and Kevin Conolly was ever told their child's public, Catholic or independent school would face a cut or freeze to their funding. Not one of the 67 schools in the Chifley electorate was given advance notice about this rip-off, not before the election and certainly not after. It has caused alarm locally, with Holy Family Primary School Principal Sister Brenda Kennedy saying:

> We have over 200 families at the school, the majority of them struggling to pay any fees. This places a burden on our system as a whole because we carry these families financially.

This is just a forerunner to what we can expect if the coalition are elected federally, and here is the proof. We have had their education spokesperson argue that bigger class sizes are not a big deal. They will not support the Gonski reforms.

They have also floated the notion of capping university places and lifting HECS fees, plus who knows what else given the $70 billion of spending cuts they have already flagged. So, at the state level, you get funding cuts, increased TAFE fees and job losses, and federally you get the coalition promising larger class sizes, no support for Gonski, fewer uni places and higher uni fees. I want to read this quote from the front page of today's *Sydney Morning Herald*:

> The Pittwater MP, Rob Stokes, was quoted as saying: 'I can't see why building the north-west rail link and keeping the [electricity] 'poles and wires' is more important than education.'

That is an ominous statement. I agree: many Western Sydney residents want better transport options—but schoolkids should not foot the bill for it.

I read somewhere else that former New South Wales Premier Nick Greiner reportedly said that the North West Rail Link could be the project that eats the New South Wales government. Now it looks like it is the project that is eating school funding. Do not forget: the New South Wales government dragged their feet in supporting the National Disability Insurance Scheme and they also hiked up public housing rents for 5,000 pensioners in Chifley. What is next? What vital public projects and spending will be cut to meet the needs of the North West Rail Link? It is clear the New South Wales government will refuse to change their mind on this awful school funding cut, but parents, teachers and students should rightly demand to know what the federal coalition's plans are for their schools.

I could not agree more with Sister Brenda's concluding comments to me:

> Education should be last place for funding cuts as those most affected by this are the most important people in our society, our children.

*(Time expired)*
The DEPUTY SPEAKER (Hon. BC Scott): Order! In accordance with standing order 193 the time for members constituency statements has concluded.

CONDOLENCES

Martin, Sapper James

Milosevic, Lance Corporal Stjepan

Poate, Private Robert

Debate resumed on the motion:

That the House record its deep regret at the deaths, in the early hours of 30 August 2012, of Lance Corporal Stjepan (Rick) Milosevic, Sapper James Thomas Martin and Private Robert Hugh Frederick Poate during operations in Afghanistan, and place on record its appreciation of their service to their country and tender its profound sympathy to their families and friends in their bereavement.

Mr FITZGIBBON (Hunter—Chief Government Whip) (10:01): I rise to join with the Acting Prime Minister, the Leader of the Opposition, the Minister for Defence and all members that have and will contribute to this very important and sad condolence debate. I rise therefore to pay tribute to Lance Corporal Stjepan 'Rick' Milosevic, Sapper James Thomas Martin, and Private Robert Hugh Frederick Poate.

We have now lost 38 very brave Australian people in Afghanistan, and collectively today we gather to speak about that bravery and their selfless contribution to our country. Thirty-eight lives lost is 38 too many. Indeed, the campaign in Afghanistan has become a very expensive one in human terms. For a country our size, 38 is a large loss. Later this morning or this afternoon we will also be speaking about Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher, who tragically lost their lives within 24 hours of the loss of these three fine soldiers.

These debates are always difficult for all of us in this place because it is us collectively who take the decision to send these young people to war, but I stand here today still very confident that we went to Afghanistan for the right reason, we remain in Afghanistan for the right reason and we are determined that we should finish our campaign in Afghanistan. We went there to make the world a safer place for all people, including of course Australians. We saw the carnage that can be set upon our people in places like Bali and Jakarta by people who were trained or had some association with Al Qaeda in Afghanistan. Afghanistan had became a lawless state—a state prepared to host and provide a training field and a launching pad for those prepared to perpetrate their acts of terror right around the globe, again including on Australians. It was the right thing to do to intervene on that lawlessness and everything that flows from it.

I believe we are making progress in Afghanistan—I have no doubt about that. We are not only building capacity to enforce the local rule of law but building a democracy, an economy, a health system, schools and a society, and therefore, hopefully, we are putting in place a setting for good things rather than bad things. It is hard. No-one said it would be easy. We were always going to lose lives, but there is one thing I am very confident about: all of our volunteers who go to Afghanistan go with enthusiasm and know all of the risks involved, but they do so very willingly and very keenly. I do not think I knew any of the three men—it is possible that I may have met them at some point as defence minister—but I do know that the local rule of law will also have applied to them. Having met many families on the occasion of
earlier losses, I am confident that the families of these brave soldiers also knew the risk but supported their decision to take that risk. I would be very surprised if, like the soldiers themselves, the parents did not believe and do not believe in the mission and what their loved ones, friends and mates were doing.

Last night I had the pleasure of speaking at the reception to mark both the 93rd anniversary of the independence of Afghanistan and the 10th anniversary of the formal diplomatic relationship between Australia and Afghanistan. We were partly celebrating Afghanistan's progress—progress from a lawless state, as I said, towards what I am very confident will become a thriving society. It does have a potential economic base. It boasted, in the past, of being a land sitting on the Silk Route and flourishing, and I believe it will flourish again. We need to stay the course and help them through the next steps. It would be a terrible thing if we allowed 38 fine Australians to give their life in vain—in other words, if we do not finish what we are doing in Afghanistan. I think a precipitous withdrawal would be an enormous mistake. It would be a bit like not paying the final two payments on your mortgage. We have made the big investment, it has been costly, but that is all the more reason to finish the job. To walk away now before the Afghan National Security Forces are ready to enforce that country's own rule of law would be a very big mistake.

I hear so often people say: 'You cannot win in Afghanistan. Alexander the Great was not able to win in Afghanistan. The Russians were not able to win in Afghanistan. The English did not have much success in Afghanistan.' Historically that might be true, but in this campaign we are working with the democratically elected government of the day in Afghanistan against a common foe. Sometimes the lines become blurred as to who is friend and who is enemy, and very sadly in the case of these three soldiers we have learned just how blurred those lines can be. It must be very hard for our troops to deal with the green on blue dynamic. I can think of nothing worse—as if it is not hard enough—than going to war without being absolutely sure that the guy who is marching alongside you is your friend. So this is difficult, and it is a challenge for the government and everyone participating in the campaign in Afghanistan. But it is another thing that we just need to manage, and I am sure that manage it we will.

I join with others in extending my deepest sympathies to Lance Corporal Milosevic's wife Kelly, his young daughters Sarah and Kate—it is so sad that there are such young people involved here—his mother Heather and his brother Milan and sister Danica; to Sapper Martin's mother Suzanne, sister Holly, step-brother Angus and grandparents Ralph and Lucille Thomas; and to Private Poate's parents Hugh and Janny and sister Nicola. Like others who have spoken, I also extend my sympathies to those in the 2nd/14th Light Horse Regiment (Queensland Mounted Infantry), the 2nd Combat Engineer Regiment and the 6th Battalion, Royal Australian Regiment, and to all those who trained and served alongside these very fine Australians.

Mr John Cobb (Calare) (10:09): I say at the outset that I totally support everything said by the Chief Government Whip. A week or so ago I attended a dinner which was for a school reunion and when the apologies were read out one of those apologies was a very good friend of mine at school, Hugh Poate. We spent many years in the same house and the shooting team together. We had a lot of fun. We did a lot of silly things together. When the reason for his absence was given, it was that his son had died in Afghanistan, as one of the
three killed by a rogue ANA sergeant. There is no decision we make in government and in parliament that you take as seriously as when you decide that you will commit Australian troops overseas into a war situation. I was part of the parliament and, indeed, the government who actually did that. I had never met Robbie. I rang Hugh as a very good friend and as somebody who had that responsibility. I realised Robbie must have been a pretty special person when Hugh just said, 'Do not be silly. Robbie was there because he wanted to be. He was there because he was a very good soldier and we are incredibly proud of him.' To be judgemental would have been a very forgivable and, in fact, natural thing for him to have been, but he and his family are just unbelievable. I said I would be honoured to speak on behalf of his family in the parliament about Private Robbie Poate and he accepted that, and what I am about to say now is what Private Robert Hugh Poate's family would want the parliament and the people of Australia to hear. His funeral is at one o'clock today in Canberra.

Private Robert Hugh Frederick Poate was one of three Australian soldiers killed by a rogue Afghan National Army soldier at a patrol post in the Baluchi Valley, Afghanistan, on Wednesday, 29 August 2012. He was just 23 years of age. Robbie was sitting down with his mates playing cards after a long day at work when he was killed. Five soldiers were hit with automatic gunfire from the rogue ANA soldier. Three died instantly, Robert being one of them. The other two who died were 39-year-old Lance Corporal Stjepan Milosevic from Penrith and 21-year-old Sapper James Martin from Perth. All five soldiers were deployed to Afghanistan in June with the 3RAR task group. The two soldiers who were wounded in the incident are expected to make a full recovery.

Robbie is survived by his parents, Hugh and Janny, and his sister, Nicola. Robert Poate spent 15 years at Canberra Grammar School, graduating from year 12 in 2007 after completing his final four years as a boarder in Blaxland House. He was a superb all-round athlete and was awarded House Colours and the Mark Sowell Award for Outdoor Education. He was captain of the Open Grade Third XV Rugby team where he played as five-eighth, and he regularly played with the Second XV. In his final year Robbie won the open 400-metre race at the school athletic carnival and came second in the cross-country. He was also an excellent swimmer and a cross-country skier. At school, Robert was a very level-headed boy with a mature moral compass far ahead of his age, but he also loved to let his hair down and have fun with his mates. This fun-loving part of him continued into his young adult life. He knew how to balance his life responsibly. A one-minute silence was observed in Robert's honour at the final of the 1st XV Canberra School Boys Rugby Union match last Sunday.

After leaving school, Robert worked in the building industry for a year then decided that he would like to be part of the Anzac legend and he enlisted in the Australian Army. After completing basic training at Kapooka, and infantry training at Singleton, he applied to join 6 Battalion RAR in Brisbane, and hoped to get into D Company of 6 Battalion. He asked for this posting because of the proud history of D Company, 6RAR at the Battle of Long Tan in Vietnam. Of the 23 young men who applied, five were accepted, Robert being one of them. He had an enthusiastic quest for knowledge and completed an impressive list of Army training qualifications in a short period of time.

He went to Afghanistan as a commander of a Bushmaster armoured vehicle/troop carrier. In Afghanistan his senior staff had so much faith and confidence in his abilities that his
vehicle became the lead vehicle in convoys and patrols. Robert would have had a very bright future with the Army had he survived.

In a statement issued by the Australian Defence Force, Rob was described as a wholly qualified soldier who was known for having outstanding leadership potential. Since enlisting in 2009, he had been awarded a number of honours and had completed a promotion course for Corporal in 2011. Robert will be fondly remembered by his 'Brothers of choice' in 6RAR as a very popular and highly skilled soldier of the Australian Army.

Robert was proud of his family, his military service, his Canberra origins and his red hair, which he vehemently defended as being strawberry blonde. Robert was very gregarious. He loved to be with his mates and people loved to be around him. His nickname was Poate and he had a very quick and keen sense of humour with an incredible array of one-liners. Following Robert's death, his mates named his Bushmaster vehicle 'Poate' in his honour and this name is now painted on the side of his vehicle.

His father, Hugh Poate, said: 'Robert certainly did the Anzac legend of Australian military service very proud.' He loved the Army where he was performing his supreme duty for his country and, tragically, he made the supreme sacrifice in the process. He was a delightful boy who grew and matured into a truly wonderful young man. He possessed a gentle, caring nature and only saw the good in people. He would have made a wonderful husband and father. Hugh also said: 'Since Robert's death, our family has been overwhelmed by the support received from immediate family, friends, Canberra Grammar School and the Army. Since the day Robert enlisted, we have been made to feel part of the Army family and this was particularly so during his deployment in Afghanistan. It is not only Janny, Nicola and I who have lost a son and a brother, but the Army has also lost a son and a brother, and I know that the Army is grieving with us. I have seen it and felt it. The motto of 6 Battalion is "Brothers by choice". The brotherhood of these young men is something very special, which I have also personally felt. We are receiving wonderful support at this very difficult time from Robert's Army colleagues, his senior officers and other areas of the Australian Defence Force.'

Private Robert Poate has been posthumously awarded the following service honours and awards: Australian Active Service Medal with Clasp, Afghanistan Campaign Medal, Australian Defence Medal, NATO Non-Article 5 Medal with Clasp ISAF and the Infantry Combat Badge. May he rest in peace, we will remember him.

Dr MIKE KELLY (Eden-Monaro—Parliamentary Secretary for Defence) (10:17): It is another terribly sad occasion where we rise to commemorate and pass our condolences to these lost sons of Australia and their families. It was one of the most tragic days, as has been reflected upon, in the Australian Defence Force's history—certainly the largest loss of lives since Vietnam—in two separate incidents which we will reflect on in two separate motions. Three individuals, the subjects of this motion, were from three different units all based at Gallipoli Barracks—units that I have great familiarity with and also affection for from my time at Gallipoli Barracks, having played rugby in the 25th anniversary 6RAR rugby premiership winning team. I played often against 2nd/14 and worked with many of the soldiers and officers of them and 2CER as well. These three individuals encapsulate all that is fine and all that is the best of the traditions of those three units.

We heard a wonderful tribute by the member for Calare in relation to Private Robert Hugh Poate. Poate was a member of 6RAR. He mentioned the motto of that unit—'brothers by
choice—but the nickname is also 'blue dog'. The mascot of 6RAR is a blue cattle dog. They particularly chose a blue cattle dog because they wanted to focus people on the attributes that those dogs are known for: their tenacity, their faithfulness and their loyalty. Certainly, all of those qualities are encouraged, fostered and developed in 6RAR, and well exemplified by Private Poate.

The motto of the Royal Australian Regiment is 'Duty first', and no-one more exemplified that motto than Robert Poate. He was so focused on his career at that young age and performing extremely well. He was a protected mobility vehicle driver, driving one of those magnificent Australian Bushmaster vehicles which have protected and saved so many lives in Afghanistan and have been a tremendous tribute to Australian industry; the Bushmaster is also a weapons system and an asset that requires a great deal of skill to work with in an operational environment, and certainly Private Poate had that. As has been mentioned, one of the vehicles has been named 'Poatey'—that is painted on the side of the vehicle—and that is a tremendous tribute. His colleagues obviously will continue to and will always remember him for the wonderful member of the team that he was, and for his good humour and his professionalism, serving as he was on his first deployment. He was a young man who had not had time to build a life outside of the Army, but this was actually partly by choice. We know that he had said to his family that he was not particularly interested in trying to establish a long-term relationship at this point in time because he wanted to focus on the mission in Afghanistan, to focus on the job. He said to his father: 'I am not going to get emotionally involved because I don't want to take any baggage with me; I've got to be 100 per cent focused 100 per cent of the time because I am responsible for every person aboard that vehicle.' Nothing exemplifies this individual and the 'Duty first' motto better than those comments.

Interestingly, too, we are talking about a green-on-blue incident. It was revealed by the family that, in a phone call to his father, Private Poate actually described the ANA members that he was working with as a fantastic bunch of people—'They just love us Aussies. They play cricket with us. All you've got to do is respect their customs and there's no problems.' So Private Poate had had a very good experience of working with the ANA—until this point, of course. And there have been many thousands of ANA soldiers that our people have worked with, notwithstanding that we have had these incidents involving a couple of individuals. But I will come back to that point in a minute.

I turn now to Sapper James Martin, who was a member of the 2nd Combat Engineer Regiment, also based at Enoggera, as I mentioned. He was a very special person in many ways—a deep person; an intellectual soldier. The motto of the 2nd CER is 'The magnificent bastards', and certainly, in my experience of them, they were just that. Sapper Martin was magnificent in many ways as an individual, but it is important for all of us to understand the special role the sappers perform in Afghanistan. Their role requires nerves of steel: the daily tension and the daily risks that the sappers undertake in Afghanistan are extreme. I know many members, colleagues on both sides, who have been over to experience the parliamentary exchange program and have had the briefings about the improvised explosive devices and understand the daily test of these people's character, their nerves, their professionalism, and their ability to detect and defuse these weapons and protect our people. That requires very special skill, very special courage and very special nerves. Certainly,
Sapper Martin had all of those things. He was a fine tribute to the traditions of the engineers, and there would be, no doubt, many members of the ADF who owe their protection, who owe their safety, who owe the fact that they are not injured and are still with us, to the work of Sapper Martin and what he was able to achieve in Afghanistan. We all send our best wishes to his family as well. I know that his regiment, a wonderful unit, will continue to preserve his memory.

Finally, I come to Lance Corporal Rick Milosevic, known as 'Milo' to the crew. Rick came to the Army late in life, at the age of 36, which was interesting and incredible in itself. He went through the whole recruit process at the age of 36, which is remarkable. And he was no slouch in that process, and was awarded most outstanding soldier at Kapooka and was presented with an award for the trainee of merit.

He had a family, of course, and he had been deployed in his short time in Iraq as well as Afghanistan. He also came from a very proud unit, the 2nd/14th Light Horse Regiment (Queensland Mounted Infantry), which has a history going back to 1860. It saw many proud campaigns in the Boer War and the First World War. It is a unit that proudly wears the emu feather, as Rick did.

Rick was a very keen participant in Army rugby. The Army is a family in itself, but certainly an even tighter family within that family is the Army rugby community, which I tremendously enjoyed being a part of. Rick will be closely remembered in that he was a classic forward build, a stocky chap—he had the right neck for it. Every year we play a curtain-raiser to the tri-service rugby competition between the Army rugby old boys and the Navy old salts. Before each game we toast the members of the rugby fraternity that we have lost in the preceding year through whatever cause. I can guarantee that next year our comrades and colleagues in Army rugby and Navy rugby will be toasting Rick Milosevic before the game. Well done, Rick, on a magnificent effort and a magnificent career. We are so proud of you. We extend our condolences to Rick's partner, Kelly; his daughters Sarah and Kate; and his mother, brothers and sisters. We will sadly miss Lance Corporal Rick Milosevic.

I did mention the issue of the green-on-blue situation, which has become deeply disturbing. I think a lot of Australians can accept combat casualties where men and women have their faces turned to the enemy, and they understand that that is part of the risk and sacrifice involved in a defence career. But it is hard to take situations where men and women have downed tools, effectively, and have taken off their combat body armour and are relaxing. Here they were, based in Patrol Base Wahab, relaxing with their colleagues when this incident occurred. That seems particularly cowardly to Australians and it is particularly hard to take in this context. If we are there to train and build the capacity of the Afghan National Army, then how is it that we would take casualties like this? Is it worth persevering with a mission to train these people if this is the way they are going to treat us? It is a natural instinct and it is also highly commendable that as Australians we continue to question whether we should be there and whether the sacrifices are worth it. That is entirely commendable and I would encourage Australians to continue to question. But, of course, in my role as Parliamentary Secretary for Defence I have responsibility for this Afghanistan transition. I have spent a lot of time there, as I have mentioned previously, and the mission is progressing well. The task of building the
competency of the ANA is meeting the time lines and the criteria and is passing through the
gateways that we have set.

There has been a big effort in creating comprehensive policies to try to mitigate these types
of incidents. We are also conducting a cultural compatibility study, because the issue is that it
is very hard to determine whether they are insurgent-inspired events or whether they are
related to some other grievance, mental problem or cultural clash that has occurred. As far as
we can eliminate these kinds of issues—any friction or cultural clashes that might feed these
sorts of incidents, which are apparently a large part of what has happened in Afghanistan over
recent months and years—then we will obviously make every effort to do that. We
continually review force protection measures, all the time, and we have invested a great deal
of money into trying to protect our people. I welcome the decision of the Afghan Ministry of
Defence to remove many of those people who are suspect through their more rigorous vetting
processes.

We do not know at this stage what was behind this individual attack on our people. But let
us assume, for argument's sake, that it was an insurgent-inspired activity. What would
be the
consequence of changing our strategy of responding to an attack like this and pulling out in
the face of such a strategy? All that it would do would be to encourage our enemy to pursue
this strategy.

The best thing that we can do to fight a strategy like this is to not let it affect our approach
to the mission in Afghanistan, to not let it affect us finishing this mission, which we are so
close to. There are, effectively, only a few months left in the high-activity phase of our
security operations for our own personnel as we are now seeking to intersect the situation
where we reduce that security environment to a position where, as it was described to me, the
grass is cut where the locals can maintain the lawn. That intersection is not far off and, once
that occurs, we will be moving into an overwatch Ready Reaction Force type role. Our people
will no longer be in the patrol bases. We will be much more secure in the main base at Tarin
Kot and these risks will be fewer.

Here we are now, we can see that it is within our grasp to better secure our people to
achieve that mission and to move on. So to bend to any kind of a strategy like this, if that
were indeed what was at the heart of this, would only serve to encourage these kinds of
attacks against our people, to only send a message to the world that yes, you can change
Australia's policy, you can bend Australia to your will if you can set up incidents like this or
conduct attacks like this and cause a certain level of casualty to achieve that objective. We
need to send a message to our enemy, to our opponents, to those who wish us ill in the world
that we will not bend to these tactics, if those were indeed the tactics that were employed in
this event.

We will not do that; we will not change our strategy. We will stick with our course and we
will honour the legacy of those who have served this country before, in uniform, through dire
times—through the direst of times in World War II when this nation was under threat and
when sacrifices were made such that in the order of 48,000 people were killed in that conflict.
We have shown in the past that we have the steel to see things through, to honour the legacy
of people like this who have served our nation so well, to finish this mission, which is within
sight.
I commend the service of these men and I pass on my condolences to their family. I know that nothing can really be said to dull the intensity of the grief that they are experiencing. I also honour their resolve as they pass on to us the task to see these missions through. We salute the service of these three individuals.

Mr McCormack (Riverina) (10:32): It is in sad circumstances that, once again, we stand to acknowledge the loss of our best and our bravest. This time, tragically, it is not one soldier but five.

On 29 August five Australian troops were killed in two separate incidents in Afghanistan. It was only the last sitting period in which we spoke of the courageous efforts of Sergeant Blaine Diddams and today we stand again to send what little words of comfort we can offer to the families of the five gallant men. I pay tribute to the eloquent words of the Parliamentary Secretary for Defence, the member for Eden-Monaro, and for his moving tribute to those men whom he knew. I know of his service to the nation and I know the loss which he is experiencing and which, indeed, he feels every time that one of our soldiers is tragically taken in Afghanistan. As parliamentarians we all feel a great sense of loss and also a great sense of responsibility because it is this parliament which sends those brave young men and women to these conflict situations and, sadly, we know we do that in the knowledge that some of them will not come home.

When our service men and women leave this country to serve overseas it comes with a great element of risk. We know that and they know that. Unfortunately, that knowledge does little to ease the pain and these words of tribute do little to reduce the shock when the terrible news comes that our soldiers have been taken, particularly when they have been taken in rogue incidents such as this one. Not since the Battle of Nui Le in Vietnam, on 21 September 1971, has Australia lost five men in a 24-hour period. Lance Corporal Stjepan 'Rick' Milosevic of Penrith, Sapper James Thomas Martin of Perth and Private Robert Hugh Fredrick Poate from the 3rd Royal Australian Regiment Task Group were killed on 29 August and two other soldiers were wounded in a green-on-blue attack at a patrol base in Uruzgan province. The Brisbane based soldiers were playing cards in their tent at a patrol base when they were unexpectedly attacked by a rogue Afghan sergeant—someone they were soldiering alongside, someone they were training, encouraging and protecting. The three men arrived home on 5 September 2012 and received a ramp ceremony. That was not the way they would have liked to have come home and not the way that anyone would have expected them to come home.

Lieutenant General David Morrison described this moving return of these men as a 'cathartic moment' for the families. Lieutenant General Morrison said the families of these three soldiers, who had 'suffered so grievously', 'took huge pride in their service'. He said: They're faced with the return of their loved one in a way they most certainly wished would never occur. Lieutenant Colonel Mark Welburn described Lance Corporal Milosevic, or 'Milo', as he was affectionately known by his colleagues, as a 'practical, common-sense soldier', who was now 'forever part of the Light Horse'.

Born in 1972, Rick actually trained at Kapooka, where he was awarded the Most Outstanding Soldier Award. That is an award that comes with a lot of pain and effort, because at Kapooka they train our soldiers to be the best, the bravest and the brightest. In all of the
world there is no better soldier than the Australian soldier, and certainly those turned out of Kapooka are the very best and the most gallant.

To his partner, Kelly, his daughters Sarah, aged just eight, and Kate, aged six, his mother, brothers and sisters, I offer my deepest condolences and certainly those of all the people of the Riverina. You think of his daughters, aged eight and six, having to grow up without the love of a father or the comfort of a dad. It is a terrible thing, but they will know that their dad was one of the greatest. I am sure their mum will remind them always of what a great man he was and what a great man he could and would have been.

Sapper Martin, or 'Marto', was described as 'the smartest guy in the section'. In a statement released by the Australian Defence Force, his family said James, just 21, was always thoughtful, caring and considerate of others; a loving son, brother and grandson who would not have given up the opportunity to serve Australia for anything. He wrote to his family after his first deployment that he was meant to be an Australian soldier. That is what he wanted to do, that is what he was proudest of doing and he knew it was what he was best at doing. It was a goal he had achieved and he had done very bravely. To Sapper Martin's mother, Suzanne Thomas, his younger brother and sister, Angus and Holly, and his grandparents, Lucille and Ralph Thomas, again I offer my condolences.

Lieutenant Colonel Mark Jennings farewelled Private Poate, saying he was a 'hard worker' and a 'larrikin'. Private Poate, he said, was a popular member of his platoon, 'dependable and ready to do what was required'. We heard earlier the member for Calare describe his personal knowledge of the private's family. He is survived by his parents, Hugh and Janny, and his sister, Nicola. Just days before his deployment to Afghanistan in June, Private Poate's dad, Hugh, took his son aside and offered him a few words of advice, as a dad would do for his son:

We'd heard a lot about the green-on-blue attacks and I said to him, 'keep an eye on the ANA [Afghan National Army]'.

Soon after arriving in Afghanistan, the young fellow called his dad to reassure him that all was well. He told his father:

They're a fantastic bunch of people, they just love us Aussies, they play cricket with us.

All you've got to do is respect their customs and there's no problems.

Unfortunately, tragically, sadly, that respect was betrayed last month.

Private Poate was only 23. He will be laid to rest with full military honours in Canberra this afternoon. He also trained at Kapooka, at Blamey Barracks at Wagga Wagga, the home of the soldier. One of the most moving tributes to Private Poate came from his colleagues still serving with the 6th Battalion in Afghanistan. The Bushmaster armoured vehicle he commanded has been named 'Poatey' by his mates, who have painted his name on the side of that vehicle.

These Australians were killed at the hands of terrorist activity. Our soldiers are directly protecting and trying to instil the ideals of freedom among peace-seeking Afghans. Their efforts are lauded, honoured and respected, and they will always be remembered. Thirty eight brave Australians have now been lost in Afghanistan; 38 courageous soldiers; 38 men with families and loved ones—young men gone long before their time. Their efforts were not in vain. Their dedication has helped to bring hope to a troubled country, now far more than a
threatening haven for terrorists. They have ensured the Anzac spirit continues to burn brightly. Lest we forget.

Mr PERRETT (Moreton) (10:39): I too, sadly, rise to speak about the recent tragic loss of life in Afghanistan. It was referred to in the media by the defence minister, the CDF and the Prime Minister as our darkest day since Vietnam. Lance Corporal Milosevic, Sapper James Thomas Martin and Private Robert Poate were three Australian soldiers born in very different parts of Australia—in Penrith, in Perth and in Canberra. They were soldiers at different stages of their military careers and of their own lives. Two of them were young men on their first deployment while the other was an older father of two making his second deployment overseas.

On such occasions, it is hard to know what are the correct words to use for such a speech. I do not know what the right words are but I do know on such occasions saying nothing is obviously the wrong thing to do. So I am particularly keen to say something to commemorate these three soldiers, particularly as a Queenslander, since they were based in Queensland. I am not sure who my audience is, whether it is the families and friends of Lance Corporal Milosevic, Sapper James Martin and Private Robert Pate listening now or whether it will be Sarah and Kate Milosevic perhaps listening in 20 years time or reading in 20 years time the words said about their father.

Obviously, it is an important time to be speaking. We recently celebrated the 11th anniversary of the September 11 tragedy in the United States and we are coming up to the 10-year anniversary of the Bali bombings. We do know that our soldiers, our sailors and our airmen put themselves in harm's way so that Australians can sleep safer in their beds at night. I know occasionally when there are deaths overseas of our soldiers, sailors and airmen that some people will ask questions about the validity of such campaigns. I was in Pakistan only two weeks ago—we did not go to Afghanistan because of the danger over there. When people talk about how we should not be in such campaigns, I do know that we need our soldiers, sailors and airmen to be there because, as we saw after the Bali bombing, such terror can be exported around the world and can be right on our doorstep or even inside our house perhaps.

Lance Corporal Milosevic, known as Rick to his family and Milo to his comrades, was deployed to Afghanistan with the 3rd Battalion, Royal Australian Regiment Task Group, and was from the 2nd/14th Light Horse Regiment, Queensland Mounted Infantry, based in Brisbane, Queensland, at Enoggera. This was formerly called the West Moreton Regiment, which was around in the 1800s. When the Commonwealth was formed and we were at war immediately in South Africa, the regiment gained battle honours and again in World War I, World War II and beyond. I note that link with the West Moreton Regiment as the member for Moreton.

Lance Corporal Milosevic was born in Penrith, New South Wales, in 1972. He enlisted in the Army in 2008 as a 36-year-old. He had a long and interesting career before then but it says something about the ticker of the man who, as a 36-year-old, went through Kapooka, where they would have done him no favours whatsoever because of his age. So he must have had a fair bit of ticker to want to join up as a 36-year-old. Even though for me 36 seems quite young I am sure he would have been surrounded by 18- and 19-year-olds who would have been keen to show up the older figure. Since he came through with flying colours, I think he must have had real ticker as a man. He was posted as a cavalryman to the 2nd/14th Light
Horse Regiment, Queensland Mounted Infantry, in Brisbane in 2009 on completion of his basic training and initial deployment training. His potential was quickly identified and he achieved outstanding course results in a short period of time, being promoted to Lance Corporal in 2011 and becoming a light armoured vehicle crew commander. Lance Corporal Milosevic was a highly qualified soldier with a strong future. He was a much liked and respected member of the regiment—a typical Aussie bloke, friendly, funny and very down to earth. I understand his leadership and professional abilities stood out in the unit and also on operations.

I also note that he was very successful on the rugby field. I should stress I do not know Lance Corporal Milosevic and I would hate to be defaming him but I have assumed, from looking at his photos, that he played in the forwards. I say this as a hooker. I would hate to find out that he was actually in the backs. He looked like one of those people who do all the hard work on the rugby field in the forwards. I have met some decent people who have played in the backs but, obviously, I do not ever fully trust them!

Lance Corporal Milosevic has been awarded the following honours and awards: the Australian Active Service Medal with Clasps IRAQ 2003 and ICAT, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Australian Defence Medal, the NATO Non Article 5 Medal with Clasp ISAF, the Army Combat Badge and the Return from Active Service Badge. I understand he was also a very devoted family man, and his family must have understood his desire to join the military at a mature age. So to Lance Corporal Milosevic's wife, Kelly, his daughters, Sarah and Kate, his mother, Heather, his brother, Milan, and sister, Danica, and all of his friends and family I express my deepest condolences during this time of loss.

Sapper James Thomas Martin was on his first operational deployment as part of 3rd Battalion Royal Australian Regiment Task Group. He was a sapper from the Brisbane based 2nd Combat Engineer Regiment. I know Enoggera Army barracks well. I worked next door to them for six years. I hope that during the time he spent in Brisbane he enjoyed our wonderful Queensland weather and the food and the good times available there. I hope he had some great times while he was based in Queensland. He was born in Perth, Western Australia in 1991, barely 21 years ago. He enlisted in the Australian Regular Army on 24 January 2011 and completed his recruit training at the 1st Recruit Training Battalion in Wagga Wagga in April 2011, where he was allocated to the Corps of Royal Australian Engineers. In May 2011, Sapper Martin attended the School of Military Engineering in Sydney and began his Initial Employment Training as a combat engineer. On completion of his combat engineer course in August 2011, he was posted to the 2nd Combat Engineer Regiment in Brisbane. On his arrival at the 2nd Combat Engineer Regiment, Sapper Martin became a member of the 7th Combat Engineer Squadron. He completed a number of additional courses including Combat Engineer High Threat Search, Communications and Weapon courses. Along with the rest of his squadron, Sapper Martin's force was concentrated in Townsville with 3rd Battalion, Royal Australian Regiment in early 2012, in preparation for their deployment to Afghanistan. Sapper Martin was an intellectual soldier who was a quick learner and adapted well to the Army environment. This was a man dedicated to serving his country. Even when his mates were thinking of withdrawing from training, he said, 'I won't give up this opportunity for anything,' and he did not.
He was respected by his mates and was considered a loyal friend and comrade. A musically talented individual, he often played his bass guitar for his mates. For anyone that knows the music industry, and I say this as a former bass player, the bass player is just the guy that works in the background with not all the flair of an elite singer—leaving aside Paul McCartney or Sting or Steve Kolbe, from The Church, or even Mark King from Level 42, all those lead singer bass players—so normally the bass player does the hard work although not like a drummer, which is a different sort of person altogether. The bass player does the solid work and keeps the music bumping along. So I am glad to hear that he played his bass for his mates. Like many Western Australians, he was also a follower of Aussie Rules. Sapper Martin has been awarded the following honours and awards: the Australian Active Service Medal with Clasp ICAT, the Afghanistan Campaign Medal, the Australian Defence Medal, the NATO Non Article 5 Medal with Clasp ISAF, and the Army Combat Badge. He is survived by his mother, Suzanne Thomas, his younger brother and sister Angus and Holly, and his grandparents Lucille and Ralph Thomas. We will never take his sacrifice and his comrades’ sacrifice for granted and we will never allow ourselves to forget what people like Sapper Martin have done for our nation.

I now move on to Private Robert Poate, who was a member of the 3rd Battalion Royal Australian Regiment Task Group and was also from 6th Battalion Royal Australian Regiment based in Brisbane, Queensland, at Enoggera. Private Poate was born in Canberra, in 1988, the bicentennial year. He enlisted in the Army in 2009. On completion of his basic and initial employment training, he was posted as a rifleman to 6RAR. Private Poate was a highly qualified soldier, having completed specialist training as a protected mobility vehicle driver in 2010 and protected mobility vehicle commander in 2011. Knowing that he was going to Afghanistan, they would have been important skills to have.

Private Poate was known for having outstanding leadership potential, which led to him completing a promotion course for corporal in 2011. He will be fondly remembered by his brothers by choice in 6RAR as a larrikin and an incredibly professional soldier—that mix that we often hear about Australian soldiers, sailors and airmen. Private Poate had a reputation for creating mischief without getting caught—such a very Australian tradition. He was very proud of his family; he was proud of his military service; and he was also proud of his Canberra origins, as so many people from the ACT are. He was known for his ranga hair, which he so often defended as being strawberry blonde. While I am not so sure that our Prime Minister Gillard would ever try to defend her hair as being strawberry blonde, apparently that is what Private Poate did, and all power to him.

Private Poate was awarded the following honours and awards: Australian Active Service Medal with Clasp ICAT, Afghanistan Campaign Medal, Australian Defence Medal, NATO Non Article 5 Medal with Clasp ISAF, and the Infantry Combat Badge. Private Poate is survived by his parents, Hugh and Janny, and his sister Nicola. To you, your friends, your extended family, the 2nd/14th Light Horse Regiment (Queensland Mounted Infantry), the 3rd Combat Engineer Regiment, and the 6th Battalion Royal Australian Regiment, may I express my deepest sympathies on behalf of myself and all the people of Moreton that I represent. Our thoughts and prayers are with you.

Unfortunately there is nothing new about war, but in Australia we are fortunate that most of the wars have been fought far from our shores, World War II aside. However, it is such
events as these that have occurred in Afghanistan that remind us and bring home the horrors and tragedies of war and the importance of our armed forces. The 11th anniversary of September 11 is a poignant reminder of the daily challenges that Australian soldiers face in their hard but necessary work on behalf of all Australians.

I know that the words of a politician who has not met these three brave soldiers would be only small comfort, but, as I said, not saying anything would not be appropriate. On such occasions there are more skilful wordsmiths than me, so I turn to the words of a poet. I turn to the words of Paul Kelly, one of Australia's greatest singer-songwriters. I was going to quote from one of his songs called No you, which might be appropriate. The final verse says:

I do not lack good companions
To pick a man up when he's down
We go to the track on Saturdays
Spread our money 'round
I go up and down
And every single sound says
No you! No you! No you! No you!
No you, no you, no you!

But it was not as hopeful as I would like it to have been, so I turn instead to a poem by Paul Kelly that might offer some comfort. It is called Smoke under the bridge and it is about companionship. It says:

All day long I've been walking
And mostly to myself I've been talking
The lonesome night is too quickly falling
In this unfriendly town
It's cold when the sun goes down
So I'll head for the river and look for smoke under the bridge
I'll keep on moving 'til I find smoke under the bridge
A little shelter, a friendly fire under the bridge
Once I had a place I could call my own
Now wherever I lay my head is home
Ran into some trouble back on down the road
They didn't like the look of me
Someone took a hook at me
I'll keep my eyes open for smoke under the bridge
Keep on hoping for smoke under the bridge
A warm fire, some company under the bridge
I'll keep on looking for smoke under the bridge
Keep on walking to smoke under the bridge
A little shelter, a friendly fire, some company under the bridge
I'll keep walking
Regarding the three soldiers we are commemorating today, Milosevic, Martin and Poate, I say lest we forget.

Mr TUDGE (Aston) (10:54): I rise also to speak to this condolence motion, which was moved by the Acting Prime Minister and was spoken to by numerous parliamentarians before me. I acknowledge the member for Moreton with regard to his very moving and fine words, and I associate myself with his comments.

Every soldier lost in the line of duty is a tragedy. Every circumstance and situation where we lose one of our own is dark and sorrowful. However, to mourn three soldiers killed in an act of betrayal is a heavy burden indeed. Lance Corporal Stjepan 'Rick' Milosevic, Sapper James Thomas Martin and Private Robert Poate, on operations in Afghanistan, had their lives tragically taken from them in an insider attack at Patrol Base Wahab in the Baluchi Valley region of Uruzgan Province on the evening of 29 August 2012. Today, I stand also to honour their memory. Today, I stand to mourn with a nation.

Lance Corporal Milosevic, a 40-year-old Queensland outback raised and former Marist student, carried on a proud family tradition of military service, joining the army when he was 36. He became dedicated to the army, and was known for his strong sense of right and wrong which saw him rise quickly within its ranks. He was highly respected as a leader who put his soldiers ahead of himself. He was clearly a well-liked member of his regiment, with leadership and professional abilities which stood out in the unit, on the rugby field and on operations. Lance Corporal Milosevic is survived by his wife and their two children, for whom he was a loving and much loved husband and father. Those who knew him well said his family was always uppermost in his mind. This nation mourns with them today.

Sapper James Martin was on his first operational deployment as part of the 3rd Battalion, the Royal Australian Regiment Task Group with the Brisbane based 2nd Combat Engineer Regiment. The 21-year-old from Perth became a combat engineer and was well-known as a meticulous researcher. He was a quick learner who adapted well to the army environment. As a member of the 7th Combat Engineer Squadron, Sapper Martin completed a number of additional courses, including combat engineer, high-threat search and communications, and weapons courses. He was respected by his colleagues and, I understand, was considered a very loyal friend and comrade. He was also a keen musician, as the member for Moreton pointed out. Apparently he often played his bass guitar for his mates, even over in the field. He was also an avid follower of Aussie Rules—I do not know which team, but I was hoping it might be the Kangaroos. His love for his family was well known within his unit. The nation also shares the loss and extends its sympathy to his mother Suzanne Thomas, his younger brother Angus and his sister Holly, as well as his grandparents Lucille and Ralph Thomas.

Private Robert Poate was born in Canberra in 1988. He enlisted in the army in 2009 and was posted as a rifleman to 6 RAR. 'Robbie' to his family and 'Poatey' to his mates, I understand, was a larrikin in the great Australian tradition—one of the boys, a young man who loved to laugh and gave as much as he got. He will be fondly remembered by his 'brothers by choice' in 6 RAR as an incredibly professional soldier, but also one with a reputation for creating mischief and getting away with it. He was well-known for having outstanding leadership potential and had completed a promotion course for corporal in 2011.

He was a highly qualified soldier with specialist training as a protected mobility vehicle driver and was a protected mobility vehicle commander. Private Poate is survived by his
parents Hugh and Janny, and his sister Nicola. He was known to have been very proud of his family, his military service, his Canberra origins, and his red hair, as the member for Moreton also pointed out.

The nation mourns with the families of these fallen heroes. We look up to them. We honour them and acknowledge the terrible loss to their families and to this nation. Lest we forget.

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) (10:59): Can I associate myself with remarks of the Acting Prime Minister, the Minister for Defence, the Leader of the Opposition and all those other members of the parliament who have spoken in this condolence motion, and express our sympathy to the family and friends of Sapper James Thomas Martin, Lance Corporal Stjepan Milosevic and Private Robert Hugh Frederick Poate.

These three brave men were murdered, as we know now, in an insider attack in Afghanistan on 29 August this year. It is important that we fully appreciate the ultimate sacrifice made by these brave men, who laid down their lives for us, for their country and for their mates. There can be nothing more terrible than when that life is lost at the hands of one whom we were there to assist.

These three soldiers were from very different parts of Australia: Perth, Penrith and Canberra. They were men at different stages in their lives and in their careers as Australian soldiers, united in their service to the nation. These three brave sons will never be forgotten. As we know, Sapper James Martin hailed from Perth. He was a young soldier at the beginning of his career, a career that was so unjustly and unfairly cut short. In his youth he played cricket with Maylands Cricket Club and played local football with Bayswater Bears football club. He traded these teams for the much larger team—but still welcoming one—of the Australian Army when he enlisted in 2011. He joined the 2nd Combat Engineer Regiment in Brisbane. He was, as we have been told, an intelligent soldier, a quick learner and a bloke who embraced the challenge of service life—earning the respect of his mates as a loyal friend and comrade. Through his service and sacrifice he will always have the respect of his country. This was his first operational deployment. He is survived by his mother Suzanne, his younger siblings Angus and Holly, and his grandparents Lucille and Ralph. To his family and friends, I say his service is now part of Australia's story. It will never be underestimated nor will it be forgotten.

Lance Corporal Milosevic served in the Army since 2008. He was a very much-liked and respected member of the 2nd/14th Light Horse Regiment Queensland Mounted Infantry. He had a dry sense of humour, we are told. He was easy-going and had a natural charm—and, to those who knew that about him best, I send my sincere condolences. We know he had fine leadership skills both as a soldier and on the sporting field playing his much-loved rugby. His rise to the rank of Lance Corporal was quick, a testament to his talent and drive to succeed. He served in Iraq in 2010 and in Afghanistan in 2012. He is survived by his wife Kelly, his young daughters Sarah and Kate, his mother Heather and siblings Milan and Danica. Today, on the day of his funeral in Brisbane, we send our sympathies and condolences to his family, his friends and his comrades. He was a proud family man and a promising soldier with a very bright future so horribly cut short as a result of this very cowardly act. It is a future which his
family and friends will miss every single day. As Lieutenant Mark Welburn of the 2nd/14th Light Horse said only last week, 'He is now and forever part of the Light Horse.'

Today the family and friends of Private Robert Poate are coming together in Canberra at his old school, Canberra Grammar, to farewell a son, a brother and a mate. We pay tribute to him here in this place as well. Private Poate joined the Army in 2009, taking up the post as a rifleman in the 6th Battalion RAR. He was selected, as we now know, for promotion very early in his career.

Within two years of enlistment, he had qualified as a protected mobility vehicle driver and commander, and his brothers by choice within the ADF and 6 RAR knew him as a professional soldier and, as we have heard a number of times now, quite a larrikin. I do not know if it was his red hair, but he was clearly a larrikin.

We know it will be his family and friends who miss him most of all. The salute to his service and sacrifice in Australia's name can never console for his loss. I know his mates in Afghanistan are back at work, now driving an armoured vehicle christened 'Poatey' in tribute to his work as a protector. Private Poate is survived by his parents, Hugh and Janny, and his sister, Nicola. I would like to thank them for raising such a selfless son, who gave his all for his country.

These three men from different parts of Australia were united in their service. They were, indeed, brothers by choice. The loss of Sapper Martin, Lance Corporal Milosevic and Private Poate in such terrible circumstances has led many, as you would expect, to question our commitment in Afghanistan. Indeed, it is always right to question our actions and we should constantly assess and review our path, particularly when the price is so high. To go on blindly without questioning would be an affront to our system of democracy. At this terrible time, perhaps now more than ever, we must continue to be clear-sighted and focused. Our objective remains to prevent Afghanistan from being again a safe haven for terrorists. We will not be in Afghanistan for that much longer. The transition to an Afghan led security responsibility in Uruzgan has commenced and we are on track. We are there for a set purpose and a set time and should not and must not let our losses be in vain.

All deaths, during peace time or war, are heartbreaking—indeed, to families, friends and comrades, shattering. Lives are shortened and loved ones are left behind to grieve and pick up the pieces. These three men loved the service, its challenges and opportunities, the comradeship and the community. Their deaths are on their own devastating, as they are doubly heartbreaking as they came at the hands of a coward. This is a difficult fact that will take a long time to reconcile, if ever it can be. At times like this, with grief so inconsolable, it would be easy to walk away. But, if we did so, we would simply compound our loss. We have always been a nation that sees things through, that keeps to its commitments and that gets the job done. We are a nation who honour the fallen by finishing what we started.

Sapper James Martin, Lance Corporal Rick Milosevic and Private Robert Poate will never be forgotten. Their names will sit alongside those other names on the walls of the Australian War Memorial, forever enshrined. Our condolences, our thoughts and our prayers are with their families, their friends and their mates. Their contribution and their sacrifice will be forever remembered.
I want to conclude by reminding all of us that we can never imagine what it is like to serve in such a conflict. We can never imagine the courage that it takes to put that uniform on, carry a weapon and fight for your country. Those of us who have not served can never put ourselves in that place. So the respect we must have for all our serving men and women is, as it should be, very high. It underlines, I think, the courage, the conviction and the sacrifice that men and women such as these three brave soldiers are prepared to commit to when they put on that uniform and embark on an overseas mission.

They know that the challenges are extreme, they know that the threats are extreme, but none of them should expect to be treated so poorly by a comrade or supposed colleagues—people who would shoot them down in such a cowardly way. These three very, very brave young men deserve forever our respect, our admiration and our love. Lest we forget.

Ms O’DWYER (Higgins) (11:10): I rise with great sadness to speak on this condolence motion. At the outset I would like to associate myself with the very eloquent words of the minister who spoke just before me. We all in this place join together in honouring the memory and the sacrifice of five very brave Australians who lost their lives defending our freedoms and our rights that we take for granted every day, on the single worst day for casualties that we have seen since the Vietnam War. Lance Corporal Stjepan Milosevic, Sapper James Martin, Private Robert Poate, Lance Corporal Mervyn McDonald and Private Nathanael Galagher are our latest victims of this tragedy that is war and today I speak in particular of Lance Corporal Stjepan Milosevic, Sapper James Martin and Private Robert Poate.

What makes this tragedy so hard to digest is that these three soldiers were killed by the very person that they were trying to help. They were all shot by a rogue Afghan soldier whilst unwinding with beer after a long day of service. This cowardly internal attack is particularly disturbing because the enemy was walking within. I want to say a few words about each of these brave soldiers.

Lance Corporal Stjepan Milosevic, or ‘Rick’ as his mates used to refer to him, was a highly decorated soldier who received many awards: the Australian Active Service Medal with Clasps IRAQ 2003 and ICAT, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Australian Defence Medal, NATO Non Article 5 Medal with Clasp ISAF, the Army Combat Badge and the Return from Active Service Badge. At Kapooka he was deemed the most outstanding soldier. A soldier to the end, Rick was on his second deployment to the Middle East. He is survived by his partner, Kelly; their daughters, Sarah and Kate; his mother, Heather; his brother, Milan; and his sister, Danica.

Sapper James Martin was born in Perth in 1991 and joined the armed forces in 2011. Sapper Martin was on his first operational mission as part of the 3rd Battalion, the Royal Australian Regiment Task Group. He was known to be highly intelligent, and Sapper Martin was extremely well regarded by his peers. He was destined for even greater things in the armed forces. Sapper Martin received the following awards: the Australian Active Service Medal with Clasp ICAT, the Afghanistan Campaign Medal, the Australian Defence Medal, NATO Non Article 5 Medal with Clasp ISAF and the Army Combat Badge. He is survived by his mother, Suzanne Thomas; his younger brother, Angus; his sister, Holly; and his grandparents, Lucille and Ralph Thomas.
Private Robert Poate was also a member of the 3rd Battalion, the Royal Australian Regiment Task Group. Private Poate was highly regarded for his leadership potential, having just completed a promotion course for the rank of corporal. Private Poate has also been awarded many honours and awards: the Australian Active Service Medal with Clasp ICAT, the Afghanistan Campaign Medal, the Australian Defence Medal, the NATO Non Article 5 Medal with Clasp ISAF and the Infantry Combat Badge. Private Poate is survived by his parents, Hugh and Janny, and his sister, Nicola.

We thank these brave men for their service and their sacrifice. We honour their memory today. We grieve with their families, their friends and their comrades, whose lives have been changed forever.

These brave young men have paid the ultimate price for their loyalty and patriotism. In this country, we are forever grateful for their service in defending our values. It is particularly poignant, especially the day after the anniversary of September 11 and almost 10 years since the Bali bombing, that we would be standing in this place and honouring these men. My words are simply not eloquent enough. I need to refer to some words by Rudyard Kipling that struck me, where he said:

All we have of freedom—all we use or know—
This our fathers bought for us, long and long ago.

We owe them a great debt for their sacrifice. May they rest in peace and lest we forget.

Ms BRODTMANN (Canberra) (11:15): It is with great sadness that I rise today to support the condolence motion for Lance Corporal Stjepan 'Rick' Milosevic, Sapper James Thomas Martin and Private Robert Hugh Frederick Poate. These men, Australian soldiers on a mission to prevent the spread of terrorism and to bring peace and stability to the people of Afghanistan, died in the most tragic and heartbreaking way. My fellow members have spoken with great passion about the circumstances in which these men lost their lives. What has come across in the speeches that have been made today, and also from the sentiments in the community, is the devastation of the deaths and the fact that they were killed by someone they trusted, so there was an absolute breach of trust, which for any human being rocks you to the core.

I met many soldiers in Afghanistan when I was there and I met those who were training the ANA. They were very young men in their early 20s and they were classic Australian larrikin types, with a great sense humour and a bit naughty. What struck me about them was their absolute dedication and commitment to getting that army up to standard so that they could protect their own people and protect the stability of Afghanistan. For that breach of trust to occur, like it did under those circumstances, is just extraordinary, which is why I know it has rocked so many of my fellow colleagues here and the general community in Australia and throughout Canberra.

Today I offer my condolences to the family and friends of these soldiers. In particular, I offer condolences from the people of Canberra to the family and friends of Private Robert Poate. Robert was born here in Canberra in 1988. He attended the Canberra Grammar School. I understand he was a young man who attended right throughout his schooling. He was a Grammar boy through and through. Robert enlisted in the Army in 2009 and, after completing his basic and initial employment training, was posted as a rifleman to the 6th Battalion Royal
Australian Regiment at the Gallipoli Barracks in Brisbane. In 2010 he completed specialist training as a protected mobility vehicle driver, going on to complete further specialist training in 2011 to become a protected mobility vehicle commander.

The funeral of Private Poate, known as 'Poatey' to his mates, will be held in Canberra today. Robert will be laid to rest with full military honours at the Canberra Grammar School, which is so appropriate. I understand the senior schoolboys and staff will be lining the route of the funeral service at the beginning of the service. This is a very sad and emotional day for many people in Canberra, particularly those at Canberra Grammar School. It came as a deep blow to the Canberra Grammar community. I spoke to the Principal of Canberra Grammar, Dr Justin Garrick, last week. He explained to me how the community was incredibly devastated by this loss. As soon as they heard the news they had a special service at the school. Private Poate was a deeply loved and honoured member of that community and it has been a very deep blow to them. It is appropriate that he is honoured in such a way today at his former school, where he spent so much of his life.

I was very moved by the words of Hugh and Janny Poate, Robert's parents, that were reported in today's Canberra Times. Their son was known as a larrikin like so many Australian soldiers, with the ability to create mischief without getting caught—also like so many Australian soldiers. I gather Robert liked to stir a bit. The tributes to him tell a story of a dedicated soldier with a mischievous sense of humour and, of course, that famous strawberry blonde hair. Robert's parents have been overwhelmed by the tributes that have filled their home, many from Robert's mates and many from fellow Canberrans expressing their condolences.

Janny Poate described her son as warm and loving and said he would probably be a bit embarrassed by all this attention. But this attention is more than deserved. Every soldier who gives their life to serve their country by helping to bring peace to people under threat deserves to be honoured by the parliament and by the people. As I mentioned before, I have been to Tarin Kot, Kandahar and Kabul as part of the Defence subcommittee and I saw firsthand the determination and focus of the Australian troops in their mission to eliminate terrorism from the region and create a peaceful and safe country for the people of Afghanistan. I also saw the loyalty and camaraderie of soldiers and I can only imagine the hurt and grief they are experiencing at the loss of three of their own. Our soldiers are a very tight-knit community and they are a very loyal bunch.

We heard others talk of Robert Poate's role as part of Operation SLIPPER in Afghanistan where he tragically died at a patrol base in the Baluchi Valley. I am not going to go into any more detail about that but what I will say is that the loss of these three young soldiers is having a devastating impact on their families, their friends and the Defence community. The Australian Defence Force is an integral part of the Australian and Canberra communities, touching the lives of many people. While the ADF headquarters are here in Canberra, the strong Defence presence is respected by the entire community and we have a deep admiration for all our men and women who serve, which is why it is so hard to lose three of these great soldiers.

Today, in particular, the thoughts and prayers of the Canberra community are with Robert Poate's parents, Hugh and Janny, and his sister, Nicola. While I did not know Robert Poate personally, over the last week I have heard incredible stories and tributes which are testimony
to his talent and commitment. On behalf of all Canberrans, we honour the sacrifice of Lance Corporal Milosevic, Sapper James Martin and Private Robert Poate who lost their lives in such a tragic way and in a way that really does challenge our moral core. Lest we forget and may they rest in peace.

Mr TRUSS (Wide Bay—Leader of The Nationals) (11:22): Today in this motion and in the one to follow, we are paying tribute to five outstanding Australian men—soldiers cut down in the line of duty and in the prime of their lives. It is difficult for any of us to make sense of our losses in Afghanistan, especially when those losses occur in circumstances such as happened on one day just a week or so ago. We cannot begin to understand the shattering effect on their families. Likewise, the Australian people have been struggling with these latest tragic circumstances.

Lance Corporal Stjepan ‘Rick’ Milosevic, Sapper James Martin from Perth and Private Robert Poate from Canberra were killed by a rogue Afghan soldier at a patrol base in Uruzgan Province. In a separate incident, Lance Corporal Mervin McDonald of Carnarvon in Western Australia and Private Nathanael Galagher of Wee Waa in New South Wales died when their helicopter crashed in Helmand Province. An accident and a betrayal have cost this country dearly. Together they mark the single highest loss of Australian troops since 1971 and the Vietnam War. We have suffered losses in war before yet the losses of these five Australians, far from home, on the same day, came as a shock to all Australians. Our armed forces are the cream of the crop. They are engaged in dangerous places and under difficult circumstances but tragic news always comes hard. We must take solace in the knowledge that Australia's role in Afghanistan is making the world a safer place. What our troops are doing on the ground in Afghanistan matters, and it is making a difference. These events illustrate just how dangerous that job is. There are never places where you can be assured of being safe or being protected from risk.

Bringing home the troops before their mission is complete, as some have demanded, would dishonour all who have fallen and would make their sacrifice in vain. Our troops should come home as soon as the job is completed. There can be no doubt that the circumstances surrounding these tragedies are especially hard for all of us to come to grips with, especially the families, the loved ones and comrades most directly affected. An accident is regrettable, but when it comes with such a toll we must ask questions about how this could happen and what can be done to ensure it does not happen again. But betrayal is unforgivable. Questions of how this could happen and why, how it was organised and whether it was just one individual acting alone or at random are natural and we may never know the answers.

The bitter irony of these deaths is not lost on any of us. Our troops are in Afghanistan training and mentoring around 200 Afghan soldiers who provide security for the Afghan people. It is a rebuilding mission—a mission to put Afghanistan on a course to self-determination free from repression and to provide safety and security for the Afghan people. It is also a mission of the utmost strategic importance to Australia and our people. Terrorism knows no borders. Unchecked, we have seen it spread like a cancer and we have been touched by it through the loss of civilian Australians from the actions of such people. In Afghanistan we are striking at its very roots. Naturally that has been a military operation, but it is also a battle for the hearts and minds of the Afghan people. The relationships being forged by our troops with the Afghan people are essential if we are to subdue and ultimately defeat the
mentality that begets terrorism and breeds terrorists. Lance Corporal Milosevic, Sapper Martin, Private Poate, Lance Corporal McDonald and Private Galagher knew that well. The aftermath of these tragic events reverberates still and, as the funerals are being held now across the country, we are reminded again of the personal sacrifice that has been involved for these men and their families.

Confidence is undermined, of course, when it comes to a rogue Afghan soldier slaying Australian troops. Perhaps that is their goal. Some commentators say that confidence betrayed means that it is misplaced, that we should not be there. I disagree. I think these events drive home to us all the harsh reality that our troops face every day and the bravery they display day in, day out, doing a job that needs to be done. This is a unique mission with unique dangers from an unprecedented theatre of war. It is an important task with ramifications for quelling future terrorist activity.

That does not make these five deaths, and any that have become before, any easier to bear. My sincere hope is that those feeling the pain of these losses most deeply can find some consolation in knowing the sacrifice of their loved ones is creating a new, safer and freer Afghanistan and, in doing so, making Australia and the world also safer for us all. Their sacrifice is not in vain, but we grieve with their families on these tragic losses.

Mr BRUCE SCOTT (Maranoa—Second Deputy Speaker) (11:28): I rise to join with others on this condolence motion for Lance Corporal Stjepan (Rick)—or Milo, as he is known—Milosevic, who grew up in Quilpie in my electorate in Queensland, some 800 kilometres west of Brisbane. It is rather poignant that right at this very moment his private service is being conducted in Brisbane at Marist College Ashgrove. I spoke to people there knowing that I could not be there today—it was a private service and I respect the wishes of the family.

I am also here to pay my respects to Sapper James Thomas Martin and Private Robert Hugh Frederick Poate. It is not a coincidence but it is a reminder to us all that it was on the day of 11 September 2001 that the free world was attacked by terrorists using not weapons of war but civilian aircraft. So I think it serves all of us in this place at this time to be reminded of the events that have brought about our involvement in Afghanistan.

The three soldiers who are part of the condolence motion, 'Rick', James and Robert, were killed by a soldier that they trusted, an Afghan—but you cannot attach the word 'soldier' to that person; he is a coward. Our soldiers, our men, our Australian Defence Force and we in Australia thought we could trust him, but the only word you could use to describe his actions is 'cowardly'. You could never use the word 'soldier' because soldiers are people of courage and of commitment and of values. Of course, they are prepared to do things that many of us perhaps would never do ourselves but they do them in the name of Australia as they serve under our flag, and I respect the professionalism that they display each and every day that they serve.

Our three soldiers about whom this condolence motion reflects on today were well trained. They were professional. They had the support of the parliament. It is one of those things that in this place when we commit soldiers, our Australian Defence Force personnel, to an operation overseas where they will be in harm's way I always have to reflect for a moment because we are, in fact, by the resolution of the parliament, committing troops to a theatre of a war or a peacekeeping operation where there are risks. In Afghanistan we have lost some 38
wonderful Australians who leave behind them family, friends, wives, partners and, as so often, children. When we do commit our troops to an operation overseas I have to think very carefully about how we do that to make sure that we are doing everything possible to support our troops when we commit their services through that resolution of the parliament—and it must be unwavering support.

Rick was born in New South Wales, where he grew up, and his very early education was in Quilpie, in Western Queensland, where his mother, his brother and other members of his family still live. In fact, his brother was recently elected to the Quilpie Shire Council. I know that Rick's death has hit the Quilpie Shire and Western Queensland particularly hard because it is a very close knit community, a small rural community with a very proud record of service to our nation. Many community members throughout time have served in the Australian Defence Force, in the Army, Air Force or Navy, including during the First World War, the Second World War, Vietnam and Korea. So it is a very proud community, and I know this has had a significant effect not just on the Quilpie Shire but also on the surrounding shires—we have all felt it. When I got the news it was one of those things where you draw in your breath and think about another loss of life, another family in which children will grow up without a father—in this case, Rick's children. And, of course, there is Rick's wife, who is a mother, and his extended family.

Rick was one of those guys who went into the Army at quite a mature age, at 36. He was actually awarded for his initial training at Kapooka—an outstanding soldier award. That, to me, said a bit more about Rick. You can imagine the young guys saying, 'I think we are fitter than this fellow who is a bit older than us'—probably twice their age. Rick was a stocky guy and played a good game of football out there in Western Queensland and was loved by so many. His commitment and leadership shone through at his training at Kapooka. He was promoted to lance corporal—a further demonstration of his leadership qualities—and I know that he would have had an outstanding career in the Army. Another thing I want to say about Rick is that he was a family person. Family meant everything to him, as it does to his mother, his brothers and his sisters. It meant everything to him.

Since this tragedy occurred in Afghanistan there have been some comments about whether we should bring our troops home. I would like to share with you an email that I received from a constituent of mine whose son is in Afghanistan. I will not use their name, because I want to preserve their privacy. It is interesting. I will quote from the email that my constituent received from their son. In the email, their son said:

'It was a sad morning this morning when we farewelled the bodies of the guys killed last week, and I understand you're concerned but I want you to take a second and read something for me.

He said to his mother:

Read Mark Chapter 8 verses 31 to 38.

So I can assure you that those in the services do have the strength and the support of the spiritual belief that helps them through times like this—and I think this is reflected in his email. He went on to say:

We have lost some men, but to impose some knee-jerk reaction as a consequence only serves to trivialise their lives and the sacrifice that they and their families have made.

He went on to say:
Coming to this country I had ideas about what I was doing and why I was doing it, but the incidents around this week have crystallised that understanding for me. I guess that you have heard about the 17 young people that were beheaded by the Taliban. They were in a province just a little distance from us here, just kids having a party whose only sin was to be playing music and dancing at that party. According to the news reports it is becoming their preferred form of social intimidation. Surely pure evil in its basest form.

Our guys are doing great work over here, giving the locals options to that oppressive regime, and hopefully slowing the movement of drugs into the western world. The main focus at the moment is working towards an orderly withdrawal, which I'm sure that your pleased about.

He went on to say:

Ultimately we'll probably never know the difference that we, or more particularly those that have lost their lives or been injured over here, will have made. But there is the possibility that because were here one Afghan will have the chance, the courage, or just the idea to make a difference in this country. And if there is one, then there could be many and it could make such a difference in our world as a whole. I only know that if we weren't here they wouldn't have that chance.

He went on to say in his email:

The Padre who led the service today quoted the old saying, 'The only thing required for evil to flourish in this world is for good men to do nothing.' I think that this place makes that statement very real.

Those comments I read are from an email from a soldier who is in the field, in theatre, and who knew Rick. He is from my constituency and his parents live there, but I want to protect their names. I do not want to necessarily link them to this, but I do want to thank them for the email that they have shared with me.

I think it is important to share those words in this condolence motion because they say a lot about those who are in the field. We as a nation and we as members of parliament are committed by resolution of the parliament to a task in Afghanistan we must see through.

Lance Corporal Rick Milosevic was known as 'Milo'. I am not quite sure how he got the name 'Milo', but there is a large sheep property out there called 'Milo'. Maybe he worked in shearing sheds in his holidays or something, because his parents had a business there. They had mail runs out of Quilpie and did a lot of building in and around Quilpie. In 2003 Lance Corporal Rick Milosevic received the Australian Active Service Medal with Iraq 2003 and ICAT clasps, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Australian Defence Medal, the NATO Non-Article 5 Medal with ISAF clasp, the Army Combat Badge and, very proudly worn by those who have been in active service, the Returned From Active Service Badge.

It is at times like these that we all reflect on our own lucky circumstances in Australia, but we also must remember that those who are lost—and we have lost 38 in Afghanistan—leave behind them families. It is to those that I address my deepest sympathies and condolences, not only on my own behalf but on behalf of my constituency of Maranoa and on behalf of the parliament. They will forever need our support as a nation. I know that for Rick's widow, now a war widow, and his children the work of the Department of Veterans' Affairs and Legacy will be very important to support the family left behind. In this country, we must never diminish our financial support for those who are left behind. We have one of the best systems in the world. Regardless of budget surpluses or deficits, their service and support must always be paramount in the minds of all of us. To those families, and particularly to Rick's family, his
mother—his father has passed away—his brother and his extended family, I say, 'My deepest 
condolence to you.' Rest in peace, Rick. We will never forget you.

Ms MARINO (Forrest—Opposition Whip) (11:42): I join the House and all members in 
honouring Lance Corporal Stjepan 'Rick' Milosevic, Sapper James Martin and Private Robert 
Poate from the 3 RAR Task Group, who were tragically killed in action on the evening of 29 
August at Patrol Base Wahab in the Baluchi Valley. In the same attack, two of their comrades 
were wounded. I realise that the families, comrades and friends of these men may take a long 
time to bring themselves to read these condolences. It will not be easy for them to read these 
condolences because their grief, loss and anguish at this point are beyond measure, as the 
member for Maranoa reflected on. Some may never be able to read our words, such will be 
their loss. However, I offer my sincere condolences to Lance Corporal Milosevic's partner, 
Kelly, his daughters, Sarah and Kate, his mother, his brothers and his sisters. I offer my 
condolences to Sapper James Martin's mother, Suzanne Thomas, his younger brother and 
sister, Angus and Holly, and his grandparents, Lucille and Ralph Thomas. I also offer my 
condolences to Private Robert Poate's parents, Hugh and Janny, and his sister, Nicola.

In this place, we do need to honour and respect these fine men and the sacrifice they have 
made for our nation, but we also need to honour and respect the sacrifice their families have 
also made for our nation and the ongoing sacrifice that they now will continue to make. I do 
not know how many others in this place have the same experience, but my mother was a war 
widow. My two older sisters and my mother lived all their lives with the sacrifice that they 
made, as well as the sacrifice of their husband and father.

So I know what is ahead for these families, and it will not be easy. As the member for 
Maranoa said, they will get wonderful support from Legacy, from the defence community and 
from their broader community. But nothing will change their loss, and they have to live with 
that on a daily basis.

These three specialist volunteers, these three brave men, will be remembered for their 
leadership, their dedication to their Army, but from what I understand mostly their love of 
life. All were on the very first tour of Afghanistan and all were highly respected and 
outstanding leaders. The loss of these soldiers is even more tragic given the treacherous 
nature of their death—something that I think enraged all Australians, no matter where they 
were when they heard this news. We all considered it such a cowardly, insider attack. We do 
know that we are in this battle to stay the course and to honour the sacrifice that has already 
been made, not to cut and run.

Having been to Afghanistan and spent time with our troops on the ground in theatre, I 
understand firsthand what they believe about their mission and how committed they are to 
doing what needs doing in Afghanistan. They all understand the job that this parliament has 
asked them to do. I saw the work that they have done in the provisional reconstruction. In 
2000-01 in Afghanistan there was no government, no health services, no basic governance 
and no education. They see firsthand what they are able to achieve on the ground. But the 
actions of our enemies, given the cowardly attack, will not define our actions nor change our 
attitude. That is something that has been reinforced across this parliament. We will keep 
doing what is right in the face of such a grievous wrong.

In doing so, I believe we honour the legacy of not only these three brave Australian 
soldiers but all who have gone before them. Above all, though, these three men were loved by
their families, and they will be mourned and missed forever. Their families have to live with this loss for the rest of their lives. I know that there have been requests to respect the family's privacy during this time, but I do hope there will come a time when their loved ones and those closest to them can bring themselves to read these condolence motions and understand that we in this place share their grief, and we simply want to show respect for those who have been lost.

Mr EWEN JONES (Herbert) (11:47): I join my colleagues in honouring Lance Corporal Stjepan (Rick) Milosevic, Sapper James Martin and Private Robert Poate from 3RAR task group who were tragically killed in action and their two comrades who were wounded in action during an attack at Patrol Base Wahab in the Baluchi Valley on the evening of 29 August. I offer my condolences to Lance Corporal's Milosevic's partner, Kelly; his daughters, Sarah and Kate; and his mother, brothers and sisters. I extend my condolences to Sapper James Martin's mother, Suzanne Thomas; his younger brother and sister, Angus and Holly; and his grandparents, Lucille and Ralph Thomas. I extend my condolences to Private Robert Poate's parents, Hugh and Janny, and his sister, Nicola.

Sapper James Martin was on his first operational deployment as part of 3RAR, which is based in Townsville. They are under the control of a very qualified Lieutenant Colonel and they are a highly trained and highly skilled group of defence personnel. Sapper Martin came from the Brisbane based 2nd Combat Engineering Regiment. Along with the rest of his squadron, Sapper Martin's force concentrated in Townsville with the 3RAR in early 2012 in preparation for their deployment to Afghanistan.

Private Robert Hugh Frederick Poate was a member of the 3RAR and was from the 6RAR, based in Brisbane in the south-east corner of Queensland.

Lance Corporal Stjepan 'Rick' Milosevic, or 'Milo' as his mates called him, was deployed to Afghanistan in the same group. He was from the 2nd/14th Light Horse Regiment (Queensland Mounted Infantry) based in Brisbane.

During my fantastic rugby career, in my first year of senior football with the magnificent Bank of New South Wales Rugby Club in Brisbane, our two breakaways in first grade were Cedomir Milosevic and Miroslav Risojevic. Like all of Stjepan's mates who called him 'Milo' or 'Rick', Cedomir Milosevic was called 'Chad' and Miroslav Risojevic was called 'Rizzo'. I can only tell you one thing on behalf of all of them: if you have a bloke by the name of Milosevic in your team, you are going to go okay; he is going to be tough, he is going to go hard at the ball and he will take no prisoners—he will be hard at it.

3RAR has only been in Townsville for a short time. We are part of a very big defence family and we feel for the people who have copped this loss. We feel it as a community. For those who are wounded, we need to help you with your recovery; we need to understand what is going to happen to you when you come home and the problems you are going to face. And we need to look at the way that our allowances and pay are done for these people. There are the soldiers who accompany home the bodies and there are the wounded men who come home and go to hospital but want to move out of hospital to be with their families. All of their allowances and tax-free benefits must be looked at to support these people as best we possibly can. They have enough to worry about.
The overall command of the Australians in Afghanistan is now under the control of Major General Stuart Smith, who is the immediate past brigadier at the brigade in Townsville. He is the son of a Vietnam casualty. He knows first-hand. Those of us who have been to the funerals will understand the grief that has been shown by the families who have suffered these losses. The Defence Force Welfare Association and Legacy will do a great job for these families, but it is cold comfort for someone who has lost a family member. We just had a ball in Townsville to raise money for Legacy. I did the auction. We raised some fantastic money and everyone had a great night. It is these things that bring it home very quickly.

I have not been to Afghanistan but I talk to ADF personnel and their families. We will stay the course. We have a finish date and we do not cut and run. These guys understand that they have a role to play. We have professional soldiers and a very professional Army. Lest we forget.

Debate adjourned.

McDonald, Lance Corporal Mervyn John
Galagher, Private Nathanael John Aubrey

Debate resumed on the motion:

That the House record its deep regret at the deaths on 30 August 2012, of Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher while on combat operations in Afghanistan, and place on record its appreciation of their service to their country and tender its profound sympathy to their families and friends in their bereavement.

Mr JOHN COBB (Calare) (11:52): I rise to speak on the condolence motion for Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher, in this case particularly for Private Galagher who was a former student of Forbes Public School and Forbes High School in my electorate of Calare. The previous speaker said he has not been to Afghanistan. I have had the honour to spend time with our troops in Afghanistan. They are so good, so professional and so committed that you just wonder how we have people like that doing such a job.

Private Nathanael Galagher died along with fellow Australian soldier Lance Corporal Mervyn McDonald from the Special Operations Task Group when their helicopter crashed in the Helmand Province of Afghanistan on 30 August. Tragically, we lost five Australian soldiers that day in Afghanistan, and obviously our hearts and thoughts go out to all their families and friends.

Private Galagher was born in Wee Waa in 1989. Nathanael attended Forbes Public School in year 6 and finished his schooling at Forbes High School. Private Galagher's mother, Sally, wrote a tribute for her son in the local newspaper of where she now lives, the Narrabri Courier, saying Nathanael was the type of bloke who would never balk at a challenge and always gave more than 100 per cent. That is certainly evident in the fact that he represented Forbes High School in cross-country at a state level.

Nathanael's mother said her son played rugby league for the Forbes Magpies and under-18 for Forbes in Group 11 rugby league before enlisting in the Army as a rifleman in October 2007. His initial training was completed in Kapooka before being stationed at Singleton and then Townsville. Private Galagher was deployed to Afghanistan for his first tour in August 2009 to February 2010 and was deployed to Afghanistan for his second tour in July. In her
moving tribute in the *Narrabri Courier*, Private Nathanael Galagher's mother says her son was living his childhood dream of being in the Army and being a commando. He was 22 years old when he died. He is survived by his parents, Sally and Wayne, sister, Elanor, partner, Jessie Feeney, and their unborn son. Lest we forget.

Mr Perrett (Moreton) (11:55): Sadly but with great honour I again rise today to speak about soldiers who have lost their lives in Afghanistan, with five soldiers killed in two separate incidents in one week in what has been called our darkest military incident since Vietnam. Private Nathanael Galagher was from Wee Waa in New South Wales. I know Wee Waa reasonably well. It is a town not unlike my own hometown of St George, a cotton town, and no doubt he spent some time working in the cotton fields or chipping, doing those horrible jobs that come with life in a country town.

He was just 23 years old and on his second deployment when he was tragically killed in a helicopter crash on 30 August 2012. He joined the Army on 22 October 2007 and was posted to the 1st Battalion Royal Australian Regiment, 1RAR. On completion of his selection and training course and reinforcement cycle, Private Galagher was posted to the 2nd Commando Regiment in November 2011. Private Galagher was on his second tour of Afghanistan. I understand that he always had positive attitude and was a very well respected soldier in his regiment. Private Galagher had been awarded the following honours and awards: the Australian Active Service Medal with Clasp ICAT, the Afghanistan Campaign Medal, the Australian Defence Medal, the NATO non article 5 Medal with Clasp ISAF and the multiple tour indicator, the Infantry Combat Badge and the Returned from Active Service Badge.

To Private Galagher's partner, Jessie, his parents, Wayne and Sally, and his sister, Elanor, to all his friends and family, may our thoughts and prayers be with you as you remember a man who was enthusiastic and always gave his all.

Lance Corporal Mervyn McDonald, just 30, from Carnarvon in Western Australia, another country town, was on his 10th deployment abroad when he too was tragically killed in the helicopter crash of 30 August 2012. It rolls off the tongue easily, 10th deployment, but anyone from the military would have an insight into the courage of such a soldier. Lance Corporal McDonald enlisted in the Army in May 1999 and was posted to the 1RAR. He served for five years, left in 2004 and then realised he loved it so much that he re-enlisted in 2005.

On completion of his selection and training course and reinforcement cycle, Lance Corporal McDonald was posted to the then 4th Battalion Commando, now the 2nd Commando Regiment, in August 2008. He was on his sixth tour to Afghanistan. I understand he was quick-witted and 'brought a positive energy to both his unit comrades and all those who served with him'. An ideas man, a problem solver and a soldier who was dedicated and enthusiastic to the core, one of the very best who let us sleep safely in our beds at night. He was a highly professional soldier but his quiet nature and humility meant that he always ensured that credit earned was passed to his fellow soldiers, which is one of those most Australian of characteristics, particularly for our diggers. Lance Corporal McDonald has been awarded the following honours and awards: the Australian Active Service Medal with Clasp East Timor and ICAT, the Afghanistan Campaign Medal, the Australian Service Medal with Clasp East Timor and CT/SR, the Australian Defence Medal, the United Nations Mission in Support of East Timor Medal, the Timor Leste Solidarity Medal, the NATO non article 5
Medal with Clasp ISAF and multiple tour indicator, the Commander of the First Division commendation, the Infantry Combat Badge and the Return from Active Service Badge—quite a list indeed.

To Lance Corporal McDonald's fiancee, Rachael, his mother, Myrna, his stepfather, Bernie, and brothers Percy, Roger and Gary, and all of his other family and friends, be you listening now or reading this in 10 or 20 years time, our thoughts are with you during this difficult time as you remember a young man who was brave in battle and served his country with positivity and hope for the future. Like so many of our soldiers, sailors and airmen, he placed himself in harm's way so that we could sleep safer in our beds at night.

These two soldiers epitomise the characteristics that we envisage all soldiers having. Private Galagher and Lance Corporal McDonald paid the ultimate sacrifice. They died defending our country so that we as Australians could continue to enjoy the freedoms and liberties we have fought for decades to maintain. Their names will be preserved in the hearts and minds of many Australians as well as having a permanent place on the walls of the Australian War Memorial, bedecked with poppies, alongside all of those who have fallen in Afghanistan and other fields of battle.

Sadly, over 100,000 Australians' names are up there. It is sad to see loss of life, obviously. Too often this is splashed across the news, but what is even sadder is when the lives of such skilled soldiers as Private Galagher and Lance Corporal McDonald are taken at so young an age.

Obviously, they had so much to offer the world, the military, Australia and the ones they left behind. As a father of two young boys I cannot begin to imagine the thought of burying a child, and the pain these families are going through. My condolences and prayers extend to you all.

I finish with the words of poet Bruce Dawe, who also served in the military, although I think he was in the RAAF and not the Army. As an English teacher I taught the poem *Homecoming* for years and years, long before I went into politics. The whole poem is not totally appropriate now that I am thinking of and talking about real heroes. I am thinking of Private Galagher and Lance Corporal McDonald rather than the concept of a soldier being returned home, so I am thinking about real heroes and real soldiers. For that reason I will not read the entire poem. Nevertheless, as Private Galagher and Lance Corporal McDonald make their final journeys home to Wee Waa and Carnarvon, or wherever they are in rural Australia, these classic Australian country towns, Bruce Dawe's final stanza is a poignant conclusion:

… as they move

on to small towns where dogs in the frozen sunset
raise muzzles in mute salute,

and on to cities in whose wide web of suburbs

telegrams tremble like leaves from a wintering tree

and the spider grief swings in his bitter geometry

— they're bring them home, now, too late, too early.

Lest we forget.
Mr COULTON (Parkes—The Nationals Chief Whip) (12:03): I too rise to pay my respect for Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher. If I may, I would like to focus my remarks today on Private Nathanael Galagher, or Nate, as he was known to his family and friends. Nate Galagher was born at Wee Waa in Western New South Wales and grew up in the Wee Waa-Narrabri area. Nate is the son of Wayne and Sally and a brother to Elanor. He is also survived by his partner, Jessie, and their unborn son.

Nate Galagher typifies a boy from the bush. As far as he roamed with his life in the military, he was still very much at home in the Black Soil Plains of Western New South Wales. It is the boy from the bush—the boy who has grown up with dirt under his nails, with a can-do attitude, with ability and with a humble nature that so typifies the young men over the generations—that has come through in Nate Galagher.

I don't know his parents, Wayne and Sally, but I know people who do—and his family is very well regarded. Indeed, I am speaking today on behalf of the residents of north-west New South Wales, to put on record their thoughts at this very sad time. Nate Galagher will be buried at Pilliga, a very small village west of Wee Waa; and he will be surrounded by family and friends and work colleagues.

While it will be an incredibly sad day, I might say, Mr Deputy Speaker, it will be a day when that community will be very proud—proud that one of their own has served with the highest of distinction in a war very far away. He will be coming home to be laid to rest, and it will be a great honour and privilege for me to be part of that ceremony tomorrow.

Dr MIKE KELLY (Eden-Monaro—Parliamentary Secretary for Defence) (12:05): I commend the member for Parkes on his fine words—and all my colleagues who have contributed to the discussion on these two motions today. I would particularly like to reflect on the fine words of the member for Riverina, who has proven to be an exceptionally fine member in his area; and I reflect, too, on the fact that he has the Kapooka base nearby, where one of our soldiers whom we are commemorating had passed through recently, so he also recognised the contribution Kapooka has made to the tradition of our services and the values that are instilled there. So I salute his comments.

Now we are reflecting upon two members of our special forces who were killed in this exceptionally unfortunate incident on 30 August this year in the helicopter accident. This is obviously a different circumstance to what we were reflecting on earlier. It is well to work through what is the difference between these special forces soldiers and other circumstances of the members, branches and corps of the service; and the service they are involved with and the risks they face. These soldiers go through processes to get to the field, to get to the deployments and operations, that are almost as harsh as the circumstances they ultimately find themselves in. In fact, we do often lose members of these units in these highly risky training environments, where they push it to the edge. They try to achieve a battlefield inoculation; they try to emulate and replicate operational circumstances as closely as possible.

Certainly, we are in a time when a premium has been placed on these special forces capabilities. We have faced, so often in recent decades, the issues of counterinsurgency environments and counterterrorism where we need quite often to be able to deploy the rapier instead of the broadsword; where we need precision in our targeting and our operations. In these sorts of environments, any collateral damage, any civilian casualties you cause as a
consequence of operations, can set you back, no matter what tactical gain you might have achieved in a particular activity or operation. Any associated civilian casualties or collateral damage can strategically set your whole mission back.

So it is very important that you have this capability to really reach in carefully, precisely, to target the individuals that have to be targeted. At the end of the day we all hope that negotiation processes will be successful, will progress in achieving long-term peace in Afghanistan, but we know that in this world at the moment we are facing some enemies and threats for whom there is no other solution than that they be killed. We have to be frankly honest and straightforward about that.

So there are times when this nation will need the rapier that these special forces soldiers provide—when we will need well trained, hard men who are prepared to put their bodies on the line. It is a harsh reality of the world we live in, and it is no good trying to paper that over. The nation will always need warriors. When I use the term ‘warrior’ I mean an individual who is prepared to kill or be killed but who also lives by a code of conduct. The exceptional thing about these soldiers, Lance Corporal Mervyn John McDonald, Private Nathanael John Aubrey Galagher and their colleagues is that they are incredibly disciplined with their abilities. They certainly bring to us such a high level of professional and elite military skills, but also with that, a commitment to excellence, a commitment to discipline, to operate within their rules of engagement to achieve the broader objectives that we seek to achieve.

Lance Corporal Mervyn McDonald, who was a veteran of Timor as well as Afghanistan, is survived by his fiancee Rachael, his mother Myrna and stepfather Bernie, brothers Percy, Roger and Gary, also leaves behind a more poignant circumstance, one that leaves us with a great deal of pain and emotion when we think of the fact that he has an unborn son on the way to Rachael—a son that will never know his father in a personal sense, and will never be able to benefit from the guidance and love of a father that he will not know in the physical sense. All of his colleagues and his fiancee will work hard to make sure this child understands the legacy that his father will have left to him. I am sure that will play a significant role in shaping his life as a role model that he can look to, to inspire him in whatever he does in life.

Commando units are a very tight family, and it was an extreme privilege for me to be able to come to know in particular, for example, the Sher family who lost Greg Sher earlier on in this Afghanistan operation, and to watch how the unit wrapped around the family and how the family looked also to support the unit. It was incredibly inspiring to see how they wanted to convey their belief in the mission, their resolve to continue, and their intense concern for the comrades of Private Greg Sher. This is replicated throughout the experience we have with these families and these men and the women also who are deployed in the other units.

Private Galagher also exemplifies the finest of those qualities of these commandos who have committed to pass through the incredibly intense courses and training environments, and we also send our deep condolences to his partner Jessie.

There is not much we can say to blunt the pain and the grief that these families, their colleagues and comrades are going through right now, but we need to also recognise that they go through this risk all the time. We have just passed on 12 June this year the 16th anniversary of the tragic helicopter accident in Townsville, which I was involved in helping to set up the board of inquiry into. I think it is appropriate that on the cover of the Australian
Army's brief history, they have represented Trooper John Church who was one of the SAS soldiers killed in that accident, and the photo is of him serving in Rwanda, carrying a Rwandan child. He was the epitome of the finest of the qualities of these special force soldiers that we have. In that incident we lost 15 of them, and three 5th Aviation Regiment soldiers as well. It was an incredibly gut-wrenching experience for Defence Force.

It is never easy, regardless of the numbers but I would like today, in paying tribute to these two members and to their families, to acknowledge the service they render on a daily basis whether in Afghanistan or not and the capability that they provide this nation in a very difficult and complex time and period of security challenges. We definitely need them but we definitely need our country to understand that there is a level of hardness that we require of people in tough times and tough circumstances and we should never attempt to dilute that. We have to understand that it is necessary to maintain that rapier with a sharp edge and be prepared to support them and their families in what they do.

I finish by saluting the service of these two exceptional soldiers, Lance Corporal Mervyn McDonald and Private Nathanael Galagher. They will never be forgotten.

**Ms MARINO** (Forrest—Opposition Whip) (12:14): I rise to join other members in speaking on the condolence motion on the deaths of Lance Corporal Mervyn John McDonald and Private Nate John Galagher. These two soldiers were from the 2nd Commando Regiment and were killed when their Black Hawk helicopter crashed while attempting to land during a mission in Helmand province on Thursday, 30 August.

Lance Corporal Mervyn McDonald was 30 years of age and was from Carnarvon in northern Western Australia. He was killed along with Private Nate Galagher, who was 30 years of age as well, and he was from Wee Waa in New South Wales. I offer my condolences to Lance Corporal McDonald's fiancee, Rachael; his mother, Myrna, and stepfather, Bernie; and his brothers, Percy, Roger and Gary and to Private Galagher's partner, Jessie, his parents, Wayne and Sally, and his sister, Elanor.

As I said earlier, I think I am one of perhaps not many in this place as the daughter of a war widow. My two older sisters and my mother went through what these families will also go through. I understand what it means. Equally, they received a lot of support from the comrades of their husband and father, from Legacy and from the community itself. I am confident that these families will also be able to draw on that level of support. And they will need it—there is a lot ahead of them and every day will be a tough day; every day the news does not change for them.

I also pass on my deep condolences to Lance Corporal McDonald's unborn son. He is going to need a lot of support, and he will need to hear about his dad; he will need to hear what a fine man his father was and what he sacrificed for our country. He will need to know those things, and I am sure he is going to get that sort of encouragement. He will be inspired, as we heard, by what his father has done for this nation. I have no doubt that that imprint of what his father has done will have an impact on this young man all his life in different ways. His father's presence will be there in a way perhaps different from other people. The loss to him and his mother will be extreme.

Lance Corporal McDonald went to school in Australind, about 12 kilometres north of Bunbury, in my electorate of Forrest in the south-west of WA. He and his younger brother
grew up in the Bunbury and Australind area. Lance Corporal McDonald had made his career in the Army. He enlisted in 1999, had served in East Timor and was on his sixth deployment to Afghanistan. He has been described as a dedicated, enthusiastic and professional soldier. Merv's older brother, Gary, spoke on ABC Radio a couple of weeks ago on behalf of the family. He said his brother's death had been a terrible shock for the family, but they would always be very proud of him and remember him as a top bloke with a heart of gold. What a great endorsement of the man. Gary said that he hoped people would understand why his brother was fighting in a far-flung corner of the world such as Afghanistan. We in this place do understand why he was fighting in Afghanistan. You hear from these families and you know that they understand the mission and they understand their brother and son's passion for what he did. Gary told the local radio station:

He actually just sent us a postcard earlier this month about how things were going. He showed us footage of what he was doing—how he trained and flew in on his helicopters.

Gary also said:
Mervyn was a hell of a guy, he was. Would always do things for you. He was always sending stuff to my kids. He really wanted to start a family; he's a very big family person ... we just can't believe he's gone.

Gary said:
He had a heart of gold. He was always trying to make sure that we were OK. He was just such a top guy...

Even when Merv was on his sixth tour in Afghanistan he wanted to make sure his family was okay. Gary said he just wanted him to be remembered, and that is what all members in this House today are doing—we are remembering him, and we are putting our thoughts in Hansard forever. The day will come where his son and his family get to read exactly what the members in this place have said today and previously.

I would commend each of the members speaking today, because these words will be read by the families in time—by and their children, by their comrades, by their friends. It is important that we show the respect that we do in this place. We do understand the grief of the families and that it might be a long time before they are able to read the words we have laid down in this parliament, but it is important that we do place these words on the record. The Chief of Defence Force General David Hurley described Lance Corporal McDonald as quick-witted and said he 'he brought a positive energy to both his unit comrades and to all of those who served with him'. That is a great endorsement in itself, to have a positive attitude no matter where you are and what you are doing. Lance Corporal McDonald, as we know, is survived by his fiancee, his mother and stepfather and three brothers.

These two men were among the five Australian soldiers killed in separate incidents in Afghanistan in a 24-hour period. All of us felt that so desperately. We felt desperately for the circumstances and for the loss of five really fine Australians. I would think we would not find any better Australians anywhere. It is important that in this place we recognise the sacrifices that each one of these men made and equally, as I said earlier, we have to recognise the ongoing sacrifices of their families. I believe we understand that these families will have to live with these memories every day.

Equally I know from my mother's and my sister's experience that throughout the years it is the support of the other ADF members, the support of their comrades, the support of Legacy...
and all that we place around them that is so important to those young people and, of course, to the families. I am really proud to join other members in this place in offering our condolences while recognising the sacrifices of what we have to say were two really fine Australians.

Mr FITZGIBBON (Hunter—Chief Government Whip) (12:22): I join with the Acting Prime Minister, the Leader of the Opposition, the Minister for Defence and all members who have made or will make a contribution to this condolence motion today. In doing so I pay my respects to 30-year-old Lance Corporal Mervyn John McDonald and 23-year-old Private Nathanael John Aubrey Galagher. Thirty-eight Australians have now given their lives in Afghanistan. That is 38 too many, but when the government of the day embarked on this mission it did so fully conscious that more than likely lives would be lost. The loss of those lives is very, very tragic and it is hard for us as non family members to contemplate this loss.

But I stand here today to say that, while the cost has been very high, the reasons for our intervention in Afghanistan are still valid. We are there for the right reason doing very good things and making the world a safer place. The operation denies the insurgents a breeding ground and safe haven and helps to build a democracy, society and economy in Afghanistan which hopefully will continue to deny the insurgency into the future. I hope that those who doubt our ongoing campaign there reflect on this.

Yesterday was the anniversary of 9/11, the day the Twin Towers came down in New York. There could be no more graphic memory of why we are in Afghanistan. Australians died on that day in New York. Australians died in Bali. Australians died in Jakarta. Of course, all of those events had links to Afghanistan. This is a job worth doing and it is a job worth finishing. In my view, talk of a precipitous withdrawal is foolish and bordering on offensive to those who have already made the ultimate sacrifice. We need to finish the task. We need to leave an Afghanistan in which the security forces, both the Afghan National Army and the Afghan National Police, are capable of maintaining the rule of law and enforcing their own security. Of course we need to do much more—I have touched on it: build an economy; build a justice system; and of course help the Afghan people tap those natural resources and get them off the poppy economy and onto a rural economy so they can have long-term sustainability.

I had the great pleasure last night of representing the government and speaking at the reception to mark the 10th anniversary of formal diplomatic relations between Australia and Afghanistan. I spoke of my great hope for Afghanistan and its people who have a rich culture, a deep history and a future.

The two very brave soldiers we mourn today were of course commandos. Those who have served in the Special Air Service Regiment, generally known as special forces soldiers, are something very special. All those who make a commitment to deploy as part of the Australian Defence Force are special people, and I remind the House that they are all volunteers. They go and they deploy as volunteers, but there are none more special than our special forces soldiers who in many senses do the very hard, dangerous and highly skilled work up the front end.

I do not know what Lance Corporal McDonald and Private Nathanael Galagher were doing that day. I am not privy to that detail, but they were killed in a Black Hawk helicopter crash. They were going well out beyond the wire, and you can be pretty sure they were going after either a cache of weapons or an insurgent and were probably going to kick a door in somewhere, not knowing what was on the other side of that door. That is scary and dangerous.
work but it is what commandos do, and they do it with great courage, skill, strength and expertise. We should pause regularly to pay tribute to the work they do. I have had the privilege of meeting many of them and seeing them train. I have even had a beer with them, and they are amazing people doing amazing work.

The other thing that is important to remember—I touched on the fact that these soldiers are all volunteers—is they go willingly and indeed happily. They go absolutely believing in what they are going to do and that there is a reason to be there, and they are keen to be there. Many of them have deployed on many occasions—some of them are rotated six or seven times. I do not mean to say this in a light-hearted way but, if a defence minister really wanted to make themselves unpopular, the first thing they would do is tell our special forces soldiers that there would not be an opportunity to deploy again—because they want to deploy. They train to fight on behalf of their country. They train to make their country a safer place and, having trained so hard, they appreciate the opportunity to put their training into effect. Again, they do that very, very well.

We are forever grateful to these two brave soldiers and the other 36 we have mourned before them. Again, 38 is too many; it is a very high cost. Again, I say we are there for the right reasons and we need to complete this very difficult, complex and dangerous task. We saw how dangerous this morning as we mourned three soldiers who fell victim to a green-on-blue attack—that is, they were shot by an Afghan they were working alongside. Nothing could be more challenging, confronting and concerning to a soldier than to be in doubt about the loyalty of the person they are serving alongside. It is very hard for any of us to imagine.

I say to Lance Corporal McDonald's mother, Myrna; his stepfather, Bernie; his brothers, Percy, Roger and Gary; and his fiancee, Rachael; and to Private Galagher's partner, Jessie; his parents, Wayne and Sally; and his sister, Elanor: we are a very grateful country—not only for the sacrifice of their loved ones but for their sacrifice. They have lost a lot; We can only try to imagine. These men are now Australian heroes and we will be forever grateful for their sacrifice.

Mr EWEN JONES (Herbert) (12:30): I join with all others in honouring Lance Corporal Meryvn McDonald and Private Nathanael Galagher, who were killed in action when their ISAF helicopter crashed in Helmand Province in the early hours of 30 August 2012. I pass on my condolences to Lance Corporal McDonald's family: his fiancee, Rachael; his mother, Myrna; his stepfather, Bernie; his brothers, Percy, Roger and Gary; and his sister, Elanor: I pass on my condolences. 'Nate'—as he preferred to be called—Galagher was serving with the Special Operations Task Group in Afghanistan when he was tragically killed. Twenty-three-year-old Private Galagher was born in 1989 in Wee Waa, which is just down from the road from where I grew up in Texas, in the black soil plains of New South Wales. He joined the Army on 22 October 2007 and was posted to the 1st Battalion, the Royal Australian Regiment—1RAR—which is based in Townsville. On completion of his selection and training course and reinforcement cycle, Private Galagher was posted to the 2nd commando Regiment in 2011. Nate was on his second tour of Afghanistan.

Private Galagher always put 100 per cent into everything he did. He had a 'can do' attitude—always wanting to get the job done and taking everything in his stride. He was an enthusiastic young soldier who was very well respected by his mates from the regiment.
Lance Corporal McDonald was serving with the Special Operations Task Group in Afghanistan as well. He was 30 years old and was born in Carnarvon in north-western Western Australia in 1982. He joined the Army in 1999 and was posted to the 1st Battalion, the Royal Australian Regiment, which is a long, long way away from Carnarvon, in Townsville. On completion of his selection and training course and reinforcement cycle, he was posted to the 4th Battalion (Commando), The Royal Australian Regiment, now the 2nd Commando Regiment, in August 2008. Lance Corporal McDonald was on his sixth tour to Afghanistan.

Lance Corporal McDonald was quick witted and ‘brought a positive energy to his unit comrades and to all those who served with him’. He was a dedicated and enthusiastic professional soldier and was always willing to come forward with ideas and solutions. He was a highly professional soldier, but his quiet nature and humility meant he always deflected credit back on to fellow members of his company. I agree with what the minister and the Chief Government Whip said earlier: these guys in the commandos are a special breed. They live on the edge. They know the risks. No-one wants anyone to die, but they know the risks and it is a very, very dangerous job that they do.

Having been part of 1RAR when they first joined the Army, Townsville does share their loss. We feel every injury, every death, very sharply. We pass on our regards as a city, and as a garrison city, to their families. I have never been to Afghanistan but I have been to Wee Waa. I have never even been to Western Australia. To the families: I wish you godspeed. It is not going to be easy; it never will be.

I did not know either of these men, but I will always remember them and the job that they did. I thank them for their service and their sacrifice. Lest we forget.

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) (12:34): I rise to associate myself with the remarks of the previous speaker and, obviously, the speakers before him, including the Acting Prime Minister, the Minister for Defence, the Leader of the Opposition and all of my parliamentary colleagues who have expressed condolences to the families and friends of Private Nathanael John Aubrey Galagher and Lance Corporal Mervyn John McDonald. Private Galagher and Lance Corporal McDonald, as we now know, were tragically killed in a helicopter crash in Afghanistan on 30 August this year. We will forever remember when these young men made the supreme sacrifice for us.

This week the House put on record its appreciation of their service to their country and tendered its profound sympathy to their families and friends. Our hearts, thoughts and sympathies are with the families and mates of these two brave Australians and the wider defence community.

The loss of Private Galagher and Lance Corporal McDonald is a tragedy. Sadly, it is something that we are all too familiar with. The stories of grief and loss, pain and sacrifice still move each and every one of us, as they should. But there are also in this case, as in every case, stories of professionalism, courage and service for us, for our nation. We know that in this case there was a strong mateship between these two men. Both of them were elite soldiers. They gave their lives on duty in a job they chose, serving the nation they loved. Their stories are indeed worth knowing and worth telling. Their names will have a proud
place on the walls of the Australian War Memorial where they will be forever enshrined, alongside another 102,000 fallen Australians.

As we know, Private Nathanael Galagher joined the Army in 2007 and later the elite 2nd Commando Regiment. He was committed to everything he did—a man, we are told, with a can-do attitude. He was tenacious and easily took to the role of an elite soldier. He was young when he passed the commando selection course and training cycle, as difficult as it is. He earned the respect of his mates in the regiment. It is those mates who we think of when we say that his contribution to the Army and the ADF will be sorely missed.

At the young age of 23 he was on his second deployment to Afghanistan, already a veteran of this decade-long conflict. Private Galagher is survived by his partner, Jessie; parents Wayne and Sally; and sister Elanor. We know that Private Galagher was looking forward to becoming a father. It is so sad that this opportunity has been taken from him and that a chance to know his father was taken from his unborn son. So in this place we honour his partner Jessie's pledge that his son will understand the wonderful man his dad was. This sacrifice that he and his comrade made in their country's name is the most that anyone can give for us and for our nation.

Lance Corporal McDonald joined the Australian Defence Force some 13 years ago, again, a member of the 2nd Commando Regiment. He was a dedicated soldier, committed to the long haul. Those who served with him knew Lance Corporal McDonald as a man who came up with ideas and solutions. Obviously, he was quite a can-do character. A quiet and humble person, he would deflect credit onto his mates but his modesty hid a quick wit and, we are told, a very sharp mind.

Lance Corporal McDonald was an experienced soldier with 10 overseas deployments and six tours of Afghanistan. While I divert from my text here for a moment, it is very hard for us to imagine 10 overseas deployments, six to Afghanistan, in a fighting role and what those meant. I said this in an earlier speech this morning that those of us who have never put on this uniform, who have not been with the special forces, who have not been beyond the wire, who have not embarked on one of their daily patrols cannot know what in fact the challenges were and are that indeed remain. That this brave man has done 10 overseas tours, six of them to Afghanistan, puts him in a very elite place. I just cannot imagine it: the fear that must pass through your body and your mind as you participate in activities where you could be shot, be the subject of an IED or some other action that could lead to your death. Knowingly embarking on a career for your nation where you knowingly are prepared to put your life at risk and on the line for us: that is what these soldiers have done. In the case of Lance Corporal McDonald, his service speaks for itself. His mates in uniform will miss his experience, mateship and skill, but, most tragically, the loss will be most fundamentally felt by his family. Lance Corporal McDonald's mother Myrna and stepfather Bernie and brothers Percy, Roger and Gary have lost a son and a brother. And, of course, we think of his fiancee Rachael. Lance Corporal McDonald and Rachael were due to be married in Bendigo next Easter Saturday. In the words of Rachael:

Merv would have been a fantastic husband and a wonderful dad.

I cannot begin to imagine the magnitude of the loss that Rachael and Lance Corporal McDonald's family must be feeling now and I know they have the sympathies of each and every one of us.
These two blokes shared a bond. They were mates. Lance Corporal McDonald promised Private Galagher’s partner Jessie that he would bring him home. She has had that promise fulfilled, though it has come at a terrible cost to both their families. There simply is no statement, no act, no monument—nothing—that we can do that could compensate for the sacrifice that was made by them that day in August. The contribution of Private Galagher and Lance Corporal McDonald—like that of so many before them—will always be remembered. They gave our nation all they had and we will never take their sacrifice for granted. We have an obligation, as I say on a continuing basis in this place, to pay homage to those who wear our uniform for us and who are prepared to go into a situation where they know that their life is on the line, where they know that it is conceivable that they may not come home. How can we ever put ourselves in that situation and know what they feel? I think it leaves us in a place where we are found severely wanting. The words I have spoken are really superfluous to our understanding, because we do not understand; we can only wonder and pay homage to their bravery, their sacrifice and their sense of service and thank them for what they have done. Lest we forget.

Ms O’DWYER (Higgins) (12:43): I would like to start by responding to the words of my colleague from across the chamber: ‘the words are superfluous’. I beg to differ with him on only that one thing. I think it is so important that each of us in this place speak these words in honour of these great men who have made such a sacrifice for us. It is testament to their memory. It will be but cold comfort to their relatives and brothers in arms, but it is absolutely important for us here today. It is incredibly difficult to have to stand in this place and speak the names of men who have been lost in battle and who have been lost in war. It is even harder to have to do it twice in one day, and that is, unfortunately, what we are doing today.

We have already spoken about the terrible and tragic loss of Lance Corporal Stjepan Milosevic, Sapper James Martin and Private Robert Poate, and we must add to this most heartbreaking of lists Lance Corporal Mervyn McDonald and Private Nathanael Galagher. These two soldiers tragically lost their lives when their helicopter went down in Helmund. Lance Corporal Mervyn McDonald was clearly a superb soldier, highly decorated and valued. Lance Corporal McDonald was on his astounding 11th tour of duty. The awards bestowed upon him read long and varied and include: Australian Active Service Medal with Clasp East Timor and ICAT, Afghanistan Campaign Medal, Australian Service Medal with Clasp East Timor, Timor-Leste and CT/SR, Australian Defence Medal, United Nations Mission in Support of East Timor Medal, Timor-Leste Solidarity Medal, NATO non-article 5 Medal with Clasp ISAF and Multiple Tour Indicator (2), Commander 1st Division Commendation, Infantry Combat Badge and Returned from Active Service Badge. Indeed, an incredible list of achievements.

In a statement by his fiance Rachael Sprigg -McKinnie, she wrote of the man, Lance Corporal McDonald, and his devotion to his family and his country. She stated:

Merv was the warmest guy you’d ever meet. You could see it in his eyes, they had a special sparkle.

He was a real Aussie bloke with a passion for his country, especially its natural splendour. He is survived by his fiance Rachael, his mother Myrna and stepfather Bernie, and brothers Percy, Roger and Gary. We feel for them in their grief—grief that they will experience not only today but also in the days, weeks, months and years ahead. The gap in their lives will never be filled and our hearts go out to them.
Private Nathanael Galagher was on his second tour of duty as part of the Special Operations Task Group. Born in Wee Waa, New South Wales, in 1989, Private Galagher joined the Army in 2007. Described as a can-do kind of guy, he was highly respected amongst his colleagues. When a task needed to be done, we are told that Private Galagher was only too happy to oblige. Private Galagher loved to be in the presence of Lance Corporal McDonald, learning much off his superior and the experience he brought to the team. I have no doubt that he will continue to look out for Private Galagher as they both watch over us.

Private Galagher received the following honours and awards: Australian Active Service Medal with Clasp ICAT, Afghanistan Campaign Medal, Australian Defence Medal, NATO non-article 5 Medal with Clasp ISAF and the Multiple Tour Indicator (2), Infantry Combat Badge and Returned from Active Service Badge. Private Galagher is survived by his partner Jessie, parents Wayne and Sally, and sister Elanor.

We thank these brave men for their service and wish their families the greatest of strength as they must deal with this tragic loss. We honour their memory in this place today. We will be forever indebted for their sacrifice to our country, for our freedoms and for the families that we hold dear. Lest we forget.

Mr TUDGE (Aston) (12:48): I rise to contribute to this motion that was moved by the Acting Prime Minister earlier this week. I would also like to commend the fine words of the member for Higgins and those of all the other members of this House on this motion over the last couple of days. It is with a heavy heart that I rise to speak on this condolence motion. Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher were on operations with the Special Operations Task Group in Afghanistan when they were tragically killed in a helicopter crash on 30 August 2012. Thirty-year-old Lance Corporal McDonald was born in Carnarvon, Western Australia. He joined the Army many years ago now, in 1999, and was posted to the 1st Battalion, Royal Australian Regiment, the 4th Battalion, Royal Australian Regiment and the 2nd Commando Regiment in August 2008.

He was, incredibly, on his sixth tour to Afghanistan and, I understand, his 11th tour in total. As the member for Higgins pointed out, he was highly decorated, being awarded numerous awards over the years. He was truly an exceptional soldier. Previous members have spoken about him being part of the Special Forces, a commando, the very best soldiers that we have. They are exceptionally well-trained. They do the toughest missions that we can possibly think of. I had the opportunity to spend a little bit of time with some of the Special Forces over in Western Australia a month or two ago and I heard first-hand some of their accounts of what they have to do, and I saw some of their training and what they have to go through in order to prepare themselves for their tasks at hand. They are the best of the best.

Lance Corporal McDonald was certainly one of those soldiers. He was committed, he was enthusiastic, and he was known as an innovator and a problem-solver. His comrades and all those who served with him admired him and treated him with incredible respect. I understand he was the consummate team player who did not seek the limelight for himself but just got on with the job at hand. Lance Corporal McDonald leaves behind his fiancee, Rachael, his mother, Myrna, his stepfather, Bernie, and brothers, Percy, Roger and Gary. To them, we in this place extend our deepest sympathy in their unimaginable loss.

Private Nate Galagher was 23. He was born in Wee Waa and joined the Army in 2007. He was posted to the 1st Battalion, Royal Australian Regiment, and then to the 2nd Commando
Regiment in November 2011 on completion of his selection, training course and reinforcement cycle. It was his second tour of duty to Afghanistan and he was one of our exceptional commandos on this duty. Private Galagher was known for putting 100 per cent into everything that he did. He was known as having a real can-do attitude, being results focused and taking everything that was thrown at him in his stride. He was a dedicated and enthusiastic young soldier who was very well respected by his colleagues and was the recipient of many military awards. Nate leaves behind his partner, Jessie, his parents, Wayne and Sally, his sister, Eleanor, and of course his unborn son. As Nola Marino, the member for Forrest, pointed out earlier, his son will obviously never meet his father, but Nate will no doubt be an incredibly important person in his son's life, in a very important and special way. He will hear the stories of his father: the contribution that he made to our nation, the incredible skills that he possessed and the service that he gave. He will be sadly missed. His regiment, the Army and our nation share the family's loss and extend to them our deepest sympathies. Lest we forget.

Mr FRYDENBERG (Kooyong) (12:49): I rise to pay my respects in the condolence motion for Lance Corporal Mervyn John McDonald and Private Nathanael John Aubrey Galagher, both of whom were tragically killed on 30 August this year in a helicopter crash as part of their operations in Afghanistan.

Lance Corporal McDonald was 30 years old and is survived by his fiancee, Rachael, his mother, Myrna, his stepfather, Bernie, and brothers, Percy, Roger and Gary. He joined the Army on 31 May 1999 and was a highly professional soldier, decorated many times with the Australian Active Service Medal with Clasp East Timor and ICAT, the Afghanjstan Campaign Medal, the Australian Service Medal with Clasp East Timor (Timor Leste) and CT/SR, the Australian Defence Medal, the United Nations Mission in Support of East Timor Medal, the Timor Leste Solidarity Medal, the NATO non-article 5 Medal with Clasp ISAF and Multiple Tour Indicator, Commander 1st Division Commendation, Infantry Combat Badge and the Returned from Active Service Badge.

Lance Corporal was a man who served numerous times in Afghanistan and Timor-Leste and you could not find a braver and finer soldier in the Australian forces.

As is often the case, the families release statements at a time of their greatest sorrow. In their words:

Merv was the warmest guy you’d ever meet. You could see it in his eyes, they had a special sparkle.

He was a real Aussie bloke …. Merv could often be found four-wheel driving and going for bushwalks, but really his favourite place was the ocean. Merv just loved being in the water and the beach was his second home, where he could often be found swimming, spearfishing or barbequing.

They were simple pleasures which filled his soul.

He also had a great affection for the West Coast Eagles and Australian Rules football. In the words of his fiancee, Merv:

… changed my world by showing me new ways to think about things and by teaching me how to really experience life and believe in myself. We jammed so much into our 18 months together. Merv never missed a moment. He would stop to look at a rainbow or to smell the coffee.

We were due to be married in Bendigo next Easter Saturday and we were hoping to start a family soon after. Merv would have been a fantastic husband and a wonderful dad.
When I read those words, I do so with a heavy heart and, having been to Afghanistan, I know that Merv's life was not lost in vain. He has performed the bravest duty for his country and will not be forgotten.

Tragically, Merv was killed alongside Private Nathanael John Aubery Galagher. He was 23 years old and will be survived by his partner Jessie, parents Wayne and Sally, and sister Elanor. He joined the Army on 22 October 2007 posted to the 1st Battalion, the Royal Australian Regiment 1 RAR. He was also very distinguished, having been awarded the Australian Active Service Medal with Clasp ICAT, Afghanistan Campaign Medal, Australian Defence Medal, NATO non-article 5 Medal with Clasp ISAF and the Multiple Tour Indicator, Infantry Combat Badge and the Returned from Active Service Badge. He served in Operation Slipper twice in Afghanistan—in 2010 and 2012.

His family statement reads as follows:

Nate wasn’t a ‘showy’ kind of guy, but rather one who would demonstrate his love through the little things which meant the world. He was so loving and grateful.

We never heard Nate say a bad thing about anyone. His love for his family was apparent to all.

Nate's partner Jessie said:

Nate idolised Lance Corporal Mervyn McDonald, who was also killed in the crash. Merv was generous with his experience and shared it with the other boys in the team, especially Nate. I last saw Nate at the airport when he departed Australia in July. As they were about to walk off to the gate together, Merv turned to me and said, 'don't worry Jess, I'll bring him home.' While it’s under the most tragic of circumstances, Merv is honouring his promise.

My pledge to Nate is that his son will understand the wonderful man who his dad was.

There’s no trait of Nate’s that I wouldn't want his son to inherit.

These are powerful words and they reflect the deep love that the family and the comrades of Private Galagher had for him.

To Private Galagher's family and to Lance Corporal McDonald's family, on behalf of a grateful nation, we say thank you. Their lives were not in vain. They stood up for Australia's values and, most importantly, they helped make Australia a safer place. Lest we forget.

Debate adjourned.

Federation Chamber adjourned at 13:01
QUESTIONS IN WRITING

Immigration and Citizenship: Travel Expenditure
(Question No. 1089)

Mr Briggs asked the Minister for Immigration and Citizenship, 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 Bowen: The answer to the honourable member's question is:

The following table shows the cost of overseas travel for the 2008-09, 2009-10, 2010-11 and 2011-12 financial years.

<table>
<thead>
<tr>
<th>Expense Description</th>
<th>2008-09</th>
<th>2009-10</th>
<th>2010-11</th>
<th>2011-12</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airfares</td>
<td>$4,455</td>
<td>$5,413</td>
<td>$9,648</td>
<td>$3,760</td>
</tr>
<tr>
<td>Accommodation &amp; Allowances</td>
<td>$2,309</td>
<td>$3,373</td>
<td>$5,041</td>
<td>$2,265</td>
</tr>
<tr>
<td>TOTAL</td>
<td>$6,764</td>
<td>$8,786</td>
<td>$14,689</td>
<td>$6,025</td>
</tr>
</tbody>
</table>

Health and Ageing
(Question No. 1120)

Ms O'Dwyer asked the Minister for Health, in writing, on 28 June 2012:

(1) In respect of applications made to the Department of Health and Ageing for an exemption under section 19AB(3) of the Health Insurance Act 1973, in the last twelve months (a) how many have been made, (b) how many have been approved, and (c) how much time, on average, has it taken to assess an application.

(2) On what basis was the conclusion reached that 'migration', for the purposes of clause 5.6 of the Health Insurance Act Section 19AB Guidelines, did not refer to the movement of persons from one country to another.

(3) Does she, or her delegate, seek legal advice when considering an application under section 19AB(3) of the Health Insurance Act 1973.

(4) Does she, or her delegate, seek legal advice when applying clause 5.6 of the Health Insurance Act Section 19AB Guidelines to an application under section 19AB(3) of the Health Insurance Act 1973; if not, why not.

(5) Has she, or her delegate, ever sought legal advice on the meaning of the word 'migration' in clause 5.6 of the Health Insurance Act Section 19AB Guidelines.

(6) Has she, or her delegate, ever discussed with the Minister for Immigration and Citizenship or the Department of Immigration and Citizenship, application of the Health Insurance Act Section 19AB Guidelines; if not, why not.

(7) Is it a fact that section 19AB of the Health Insurance Act 1973 operates to grant spouses of those on the Skilled Occupation List more favourable employment opportunities if their partner is a foreign citizen migrating to Australia, as opposed to an expatriate returning to Australia; if so, why.

(8) Can she confirm whether the Government intends to amend elements of the Health Insurance Act Section 19AB Guidelines.
**Ms Plibersek:** The answer to the honourable member's question is as follows:

(1) (a) During the period 1 June 2011 to 31 May 2012 the Department of Health and Ageing (the Department) received 8,188 applications for exemptions under section 19AB(3) of the *Health Insurance Act 1973* (the Act).

(b) During this period, the Department granted 7,004 exemptions under section 19AB(3) of the Act.

(c) As each application for an exemption under section 19AB(3) of the Act is assessed individually and in accordance with the provisions set out within the Section 19AB Guidelines, the Department does not keep statistics on the average processing times for exemptions. However all exemption applications have been processed within the statutory timeframe of 28 days from the date that the application is received by the Department.

(2) For the purpose of assessing applications for exemptions under the spousal provisions of clause 5.6 of the Guidelines for section 19AB of the Act, only those applicants who are the spouses of certain types of migrants (i.e. migrants skilled in occupations on the Migration Occupations Demand/Skilled Occupation List) may be assessed under the spousal provision (along with the spouses of medical practitioners not subject to 19AB or who have been granted an exemption). Accordingly, when assessing applications for exemptions under the spousal provisions, persons who have not been granted a general skilled migration Visa by the Department of Immigration and Citizenship are not considered to have migrated to Australia.

(3) Applications for exemptions under section 19AB(3) of the Act are assessed by the Minister for Health's delegate. The Minister's delegate may seek legal advice to assist in the assessment of applications for an exemption under section 19AB(3) of the Act where necessary.

(4) Applications for exemptions under the spousal provisions of clause 5.6 of the Section 19AB Guidelines are assessed by the Minister's delegate at the Department. The Minister's delegate may seek legal advice to assist in the assessment of applications for an exemption under Clause 5.6 where necessary.

(5) Yes.

(6) Yes.

(7) No

(8) The Section 19AB Guidelines are currently being reviewed by the Department.